

## **EXHIBIT D**

Page 1

1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE EASTERN DISTRICT OF PENNSYLVANIA  
3  
4 JASON ROMAN, : NO. 22-CV-4763  
Plaintiff :

6 vs.

8 CITY OF READING, AND :  
9 READING POLICE DEPARTMENT :  
Defendant :

11 Wednesday, December 3, 2003

12  
13 Deposition of JASON ROMAN, taken pursuant to  
14 notice at the law offices of Montgomery, McCracken,  
15 Walker & Rhoads, 27th Floor, 123 S. Broad Street,  
16 Philadelphia, Pennsylvania, on the above date,  
17 beginning at approximately 11:00 before Celeste  
18 Perla, Certified Shorthand Reporter and Notary  
19 Public.  
20  
21  
22

23 MONTCO REPORTING SERVICE  
Court Reporting Services  
1000 Gypsy Hill Road  
24 Lower Gwynedd, Pennsylvania 19002  
(215) 643-1228 (Ofc.)

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1 APPEARANCES:

2  
3  
4  
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10 Representing the Plaintiff

11  
12 MONTGOMERY, MCCracken, WALKER & RHOADS  
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17 Representing the Defendants  
18  
19  
20  
21  
22  
23  
24

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1 It is hereby stipulated by and  
2 between counsel that the sealing,  
3 certification and filing are waived, and  
4 that all objections, except as to the  
5 form of the question, are reserved until  
6 the time of trial.  
7

8 JASON ROMAN,  
9 having been first duly sworn, is examined  
10 and testifies as follows:  
11

12 BY MS. FULTON:

13 Q. Mr. Roman, my name is Janelle Fulton, I  
14 represent the City of Reading and the City of Reading  
15 Police Department.

16 A. Okay.

17 Q. We are the defendants in this lawsuit.

18 I am going to give you some introductory  
19 instructions.

20 But before we begin with anything, I know  
21 you have some trouble with heights and expressing  
22 concerns about coming up to our offices for your  
23 deposition. So I want to ask you if there is  
24 anything that would cause you to have difficulty with

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1 your memory or answering any of the questions I ask  
2 you today.

3 A. Yes. Well, there would be. I mean, see, I have  
4 anxiety attacks and that is what, I was afraid of  
5 heights, you know. I am not afraid of the  
6 deposition, just the heights and it may impair my  
7 memory, I don't know, that is why I asked you how  
8 long it is going to take. Right now I feel okay, but  
9 ten minutes from now I might not feel okay. I just  
10 feel very dizzy, that is all I am saying.

11 Q. You feel dizzy now as you are sitting here?

12 A. Yes.

13 Q. If you would like some water that might help  
14 you?

15 A. No.

16 Q. Okay.

17 MR. ANTHONY: At any point  
18 during the deposition you need to either  
19 take a break, let us know.

20 BY MS. FULTON:

21 Q. If you want to take a break to get something to  
22 drink, to rest, to collect your thoughts, to go to  
23 the bathroom, let us know. If you would like to  
24 speak to your attorney, let us know.

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1 If at some point you think you're having  
2 problems with your memory or focusing on the  
3 questions or understanding my questions, let me know.

4 A. Okay.

5 Q. If I ask a question that you don't understand or  
6 you don't hear, tell me and I will repeat it or try  
7 to rephrase it for you. If you don't tell me, I will  
8 assume that you understand my question as well as the  
9 answer that you give me.

10 A. All right.

11 Q. I need all of your answers to be verbal so the  
12 Court Reporter here can take down what you are  
13 saying. She can't understand a shake of the head.

14 A. I understand.

15 Q. Or she can understand it but she can't take it  
16 down.

17 Again, as a courtesy to the Court  
18 Reporter, when I am asking a question if you can let  
19 me finish asking a question before you give your  
20 answer, makes it a lot easier for her and I will try  
21 to do the same for you as well.

22 A. Okay.

23 Q. Would you like to read and sign your  
24 transcript? At the end you have an opportunity to

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1 review it, to make sure it's accurate, taken down  
2 accurately or you can waive that right.

3 THE WITNESS: What do you think?

4 MR. ANTHONY: It is your  
5 choice. If you believe the stenographer  
6 is going to be accurate.

7 THE WITNESS: Read and sign it  
8 then.

9 BY MS. FULTON:

10 Q. Have you taken any medication this morning?

- 11 A. Yes.  
12 Q. What have you taken?  
13 A. My blood pressure medication.  
14 Q. Any medication that would affect your ability to  
15 testify here this morning or to understand any of the  
16 questions?  
17 A. No.  
18 Q. Have you ever been deposed before?  
19 A. Yes.  
20 Q. When was that?  
21 A. Oh, about three, four months ago.  
22 Q. And were you a party to that litigation?  
23 A. Yes.  
24 Q. Is that a civil matter or criminal matter?

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- 1 A. Yes.  
2 Q. What is the nature of that matter?  
3 A. It's me versus Allentown Zoning Board.  
4 Q. And what is the nature of the lawsuit?  
5 A. Hours for my place of business.  
6 Q. Can you be more specific?  
7 A. That they maintain a policy which is indifferent  
8 to my civil rights. In other words, if you have a  
9 liquor license you can stay open to two o'clock, if  
10 you don't, you have to close at twelve.  
11 Q. And what is the nature of your business?  
12 A. It's an exotic dance club.  
13 Q. In Allentown?  
14 A. Yes.  
15 Q. And what is the name of the club?  
16 A. Right now it's called Sin City.  
17 Q. Sin, S-I-N?  
18 A. Uh-huh.  
19 Q. City?  
20 A. Yes.  
21 Q. Were you planning on changing the name? You  
22 said right now it's called Sin City.  
23 A. Right. Possibly in the future.  
24 Q. Do you own Sin City?

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- 1 A. No. No, I just recently -- see, I am part  
2 owners in the building.  
3 Q. Where Sin City is located?  
4 A. Right, and in order for there to be standard  
5 hours the owners of the building must make the  
6 application to the Zoning Board.  
7 Q. You described it as your place of business.  
8 A. Uh-huh.  
9 Q. Is Sin City your place of business?  
10 A. Well, I am taking the business back. The people  
11 that had it, you know, couldn't keep -- they just let  
12 it go. Let the business go. That is why I said the  
13 name I may change. Right now it's owned by Jennifer  
14 Miller.  
15 Q. Jennifer Miller is Mr. Anthony's secretary?  
16 MR. ANTHONY: She is the one  
17 that called this morning?  
18 THE WITNESS: I don't know.  
19 She does a lot of calls for him. But  
20 also, before that it was owned by Mandy  
21 Szulimowski. I don't know her last name.  
22 BY MS. FULTON:  
23 Q. Mandy?  
24 A. Or how to spell her last name. Szulimowski.

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- 1 THE WITNESS: How do you spell it?  
2 MR. ANTHONY: S-Z-U-L-I-M --  
3 now I am guessing, O-W-S-K-I, I guess.  
4 BY MS. FULTON:  
5 Q. How long have you owned the building?  
6 A. Oh, approximately six years.  
7 Q. What is the address?  
8 A. 2327 Hanover Avenue.  
9 Q. 2327 Hanover?  
10 A. Yes.  
11 Q. In Allentown?  
12 A. Yes.  
13 Q. Other than the exotic dance club, is there  
14 anything else located in that building?  
15 A. No.  
16 Q. So that occupies the whole building?  
17 A. No. It's apartments upstairs but they are not  
18 occupied.  
19 Q. Okay.  
20 Do you rent those apartments out?

- 21 A. No.  
22 Q. Are they used for anything, the apartments?  
23 A. Storage.  
24 Q. And during the six years that you've owned 2327

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- 1 Hanover, has it always been operated as an exotic  
2 dance club?  
3 A. Yes.  
4 Q. Was it an exotic dance club when you bought the  
5 building?  
6 A. He did it but not -- that wasn't his main  
7 thing. He had a liquor license so he did exotic  
8 dance business but it wasn't his main thing. Do you  
9 know what I mean?  
10 Q. No.  
11 A. He featured it every now and then.  
12 Q. But it was a bar?  
13 A. Correct.  
14 Q. And you do not have a liquor license?  
15 A. No.  
16 Q. When you purchased 2327 Hanover, did you  
17 purchase the exotic club, exotic dance club as well?  
18 A. No. It was a bar there. I purchased the bar.  
19 Q. Did you purchase the bar?  
20 A. Yes, without the liquor license.  
21 Q. And then you sold the bar or the club?  
22 A. The business.  
23 Q. To Mandy Szulimowski?  
24 A. Yes.

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- 1 Q. Any owners between you and Mandy?  
2 A. Jennifer Miller.  
3 Q. Jennifer Miller was after Mandy?  
4 A. Before and after.  
5 Q. Before and after.  
6 A. It was her and her husband before.  
7 Q. Jennifer Miller and Jennifer Miller's husband  
8 owned it before?  
9 A. Yes.  
10 Q. Any other owners other than Jennifer Miller and  
11 her husband and Mandy?  
12 A. While I had it?  
13 Q. Yes.  
14 A. No.  
15 Q. What is Jennifer Miller's husband's name?  
16 A. Richard Miller.  
17 Q. Does Richard Miller own the club now with  
18 Jennifer Miller?  
19 A. Yes.  
20 Q. And how long have they owned it, this most  
21 recent time?  
22 A. He has the building. The club is just owned by  
23 Jennifer Miller.  
24 Q. And not Richard Miller?

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- 1 A. Right. He is part property owner.  
2 Q. Just so I am clear.  
3 You, Richard Miller and Jennifer Miller  
4 are together the owners of the property?  
5 A. Yes, that is correct.  
6 Q. Any other owners?  
7 A. No.  
8 Q. Has it just been the three of you for the last  
9 six years or have there been any other owners?  
10 A. No. I mean, that was it that I can think of.  
11 Of the business or the property?  
12 Q. Either.  
13 A. Well, Jessie Lowery, L-O-W-R-E-Y, owned the  
14 business.  
15 Q. When did Jessie Lowery own the business?  
16 A. I guess about five, six years ago. Something  
17 like that.  
18 Q. Before Richard and Jennifer Miller?  
19 A. Right.  
20 Q. Is Jessie a man or a woman?  
21 A. Woman.  
22 Q. How long did she own the business?  
23 A. Oh, approximately two years.  
24 Q. And when Jessie Lowery operated the business for

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- 1 those two years, what type of business was it?  
2 A. The same business.  
3 Q. Exotic dance club with no liquor license?  
4 A. That is correct.

5 Q. And after two years Jessie Lowery sold it to  
6 Richard Miller and Jennifer Miller, how long did they  
7 own it?  
8 A. Oh, three years. To the best of my recollection  
9 it was about three years.  
10 Q. And they sold it to Mandy?  
11 A. Right.  
12 Q. And how long did she own it?  
13 A. Approximately a year.  
14 Q. And then sold it back to Jennifer?  
15 A. No. She took it back.  
16 Q. Jennifer took it back?  
17 A. Right, because Mandy couldn't keep up the bills.  
18 Q. And what are the hours of operation of the club?  
19 A. Twelve to twelve.  
20 Q. Do you have any business interest in the club?  
21 A. No.  
22 Q. Do you work at the club?  
23 A. No.  
24 Q. And for the six years -- I am sorry if I asked

Page 15

1 this before, has it been known as Sin City?  
2 A. No. It was Red Zone before that.  
3 Q. Was that the first name?  
4 A. No. The first name was Hollywood Nights and  
5 then it was Good Fellows and then it was the Red  
6 Zone. Before that it was Jeff's City Line Pub and  
7 then before that it was Rosemary's. Jeff's City Line  
8 Pub was a gay bar and Rosemary's was like for  
9 females.  
10 Q. When the club was Rosemary's and Jeff's City  
11 Line Pub, did you own the property?  
12 A. No.  
13 Q. When it was Hollywood Nights did you own the  
14 property?  
15 A. No.  
16 Q. When you owned the property was it called Good  
17 Fellows?  
18 A. Yeah.  
19 Q. So that was the first name, when you owned the  
20 property?  
21 A. Right.  
22 Q. And then it was changed to Red Zone?  
23 A. Yes, that is correct.  
24 Q. Was it changed to Red Zone when Jennifer and

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1 Richard Miller bought it?  
2 A. No. Oh, no. They bought it -- it was Red Zone  
3 when they bought it.  
4 Q. How many employees does the exotic dance club  
5 have?  
6 A. I don't think it has any employees. Everybody  
7 is an independent contractor. Again, I don't know  
8 because I don't really run it. You would have to ask  
9 Jennifer Miller.  
10 Q. What is Jennifer Miller's address?  
11 A. 2327 Hanover Avenue, that is her mailing  
12 address. What her actual address is, I don't know.  
13 Q. But she can be reached at Sin City?  
14 A. Yes.  
15 Q. Can you state your full name for the record?  
16 A. Jason Roman.  
17 Q. Do you have a middle name?  
18 A. Elliot.  
19 Q. Spell it, please?  
20 A. E-L-L-I-O-T.  
21 Q. Have you ever been known by any other names?  
22 A. Yes.  
23 Q. What are those other names?  
24 A. Jimi Rose.

Page 17

1 Q. Spell that?  
2 A. J-I-M-I R-O-S-E.  
3 Q. And when did you go by Jimi Rose?  
4 A. Oh, that is the name I was born with and then I  
5 changed my name to Jason Roman.  
6 Q. What was your full name at birth?  
7 A. James Edward Rose, Jr.  
8 Q. James --  
9 A. Edward Rose, Jr.  
10 Q. And when did you change your name?  
11 A. Oh, gees, back when I lived in California in  
12 '71.  
13 Q. And it was changed to Jason Elliot Roman?  
14 A. Yes.

15 Q. In 1971?  
16 A. Yes.  
17 Q. In California?  
18 A. Yes.  
19 Q. Why did you change your name?  
20 A. I was in show business.  
21 Q. What kind of --  
22 A. Same reason John Wayne changed his name or the  
23 rest and I was doing a little writing at the time,  
24 you know, and I was involved with quite a few

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1 Hollywood producers and actors and actresses so it  
2 seemed to be the thing to do, when you have a pen  
3 name and it becomes your name. So everybody knows  
4 you. I don't think anybody in California has their  
5 own name, not in the show business.  
6 Q. What did you do in show business?  
7 A. Well, I was in casting. I was in the casting.  
8 I did a movie with Jim Brown, the Perfect Gentleman.  
9 I did that with Lauren Bacall, I was in the casting  
10 on that. And Jim Brown, I think the movie we did  
11 there was Three The Hard Way. I should have stayed  
12 there by the way.  
13 Q. What years did you live in California?  
14 A. Oh, God. From '71 till 1980.  
15 Q. Where in California did you live?  
16 A. San Diego and Hollywood.  
17 Q. Where were you born?  
18 A. Phillipsburg, New Jersey.  
19 Q. Other than James Edward Rose, Jr., Jimi Rose and  
20 Jason Elliot Roman, have you gone by any other names  
21 or aliases?  
22 A. I use aliases but, you know, not really where I  
23 signed. I just made up names as -- I went by the  
24 name of Rodney DeSantis and that is all I can

Page 19

1 remember.  
2 Q. Rodney DeSantis, D-I-S --  
3 A. D-E --  
4 Q. S-A-N-T-I-S?  
5 A. Uh-huh.  
6 Q. And when did you go by the name Rodney DeSantis?  
7 A. Oh, God. It was back in the sixties I think.  
8 Sixties or early seventies.  
9 Q. But you didn't legally change your name?  
10 A. No.  
11 Q. Have you gone by any other names?  
12 A. Not that I can recall.  
13 Q. No other legal names other than James Edward  
14 Rose, Jr., and Jason Elliot Roman?  
15 A. That is correct.  
16 Q. Any nicknames?  
17 A. No.  
18 Q. What is your Social Security number?  
19 A. 184-32-5071.  
20 Q. And what is your birth day?  
21 A. 1/30/44.  
22 Q. What is your current address?  
23 A. 911 Barnsdale, B-A-R-N-S-D-A-L-E, D as in David,  
24 Road, Allentown, PA, 18103.

Page 20

1 Q. Who do you live there with?  
2 A. My son Jason, and my daughter Mystic, and my  
3 daughter Giavanna.  
4 Q. How old is your son Jason?  
5 A. He is twenty-one. Justice lived there, too, but  
6 he went into the Service.  
7 Q. And your daughter Mystic, how old is she?  
8 A. Ten.  
9 Q. And what is your other daughter's name?  
10 A. Giavanna.  
11 Q. And how old is she?  
12 A. She is six.  
13 Q. And how old is Justin?  
14 A. He is eighteen.  
15 Q. And he is in the Military?  
16 A. Yes.  
17 Q. Other than Jason, Mystic, Giavanna and before he  
18 left, Justin, anyone else live with you?  
19 A. No.  
20 Q. Do you rent or own 911 Barnsdale?  
21 A. Own.  
22 Q. When did you purchase that property?  
23 A. Approximately seven years ago, that I can  
24 remember.



## JASON ROMAN

## Page 21

1 THE WITNESS: Was it seven, six  
2 years ago?  
3 MR. ANTHONY: Late seventies  
4 sometime. Late nineties rather  
5 sometime.  
6 THE WITNESS: I don't  
7 remember.  
8 BY MS. FULTON:  
9 Q. Has that been your continuous residence? Have  
10 you lived there continuously for the last seven  
11 years?  
12 A. Yes.  
13 Q. You haven't lived anywhere else?  
14 A. I lived at -- geez, where the heck was it.  
15 South Albert Street but I don't know -- 1701 South  
16 Albert Street prior to moving there.  
17 Q. Is that in Allentown?  
18 A. Yes.  
19 Q. How long did you live there?  
20 A. Oh, God. South Albert Street, at least two,  
21 three years. Something like that. I don't remember.  
22 Q. Do you remember who lived with you at South  
23 Albert Street?  
24 A. Mystic's mother, Kelly Abbott.

## Page 22

1 Q. Kelly --  
2 A. Abbott, A-B-B-O-T-T.  
3 Q. Are you currently married?  
4 A. No.  
5 Q. Have you ever been married?  
6 A. Yes.  
7 Q. And how many times have you been married?  
8 A. Twice. Twice.  
9 Q. When were you married?  
10 A. I forget.  
11 Q. When were you married the first time?  
12 A. To Donna Ruth Jackson. I married her in  
13 Phillipsburg, New Jersey, and got a divorce about  
14 four or five years later.  
15 Q. Do you remember what year you were married?  
16 A. 1970 maybe, '71. Something like that.  
17 Q. And your second wife?  
18 A. Was Mary Jorevec, J-O-R-E-V-E-C.  
19 Q. J-O-R --  
20 A. J-O-R-E-V-E-C.  
21 Q. What was the first name?  
22 A. Mary.  
23 Q. And when did you marry Mary?  
24 A. Oh, God. 1981 I think.

## Page 23

1 Q. And when did that marriage end?  
2 A. '93.  
3 Q. And how did it end?  
4 A. Divorce.  
5 Q. You already mentioned you have some children.  
6 How many children do you have?  
7 A. Oh, God. Probably about fourteen.  
8 Q. Do you support all fourteen children?  
9 A. No. Most of them are grown.  
10 Q. What are the ages of your children?  
11 A. Oh, God. Jimmy I think is about thirty-five;  
12 Mike is thirty-two; Chris is about thirty-one; Jamie,  
13 I guess he is about thirty-one, thirty-two as well;  
14 and I have a daughter Jessica, she is sixteen; my son  
15 Jason is twenty-one; Justin is eighteen; I have a  
16 daughter Conciata.  
17 Q. How do you spell that?  
18 A. C-O-N-C-I-A-T-A.  
19 Q. How old is she?  
20 A. Conciata is three; and I have another daughter  
21 Armani, she is also three; and then that is  
22 Giavanna's sister. Giavanna is six; Mystic, she is  
23 ten. I can't think of the rest. I don't know.  
24 How many is there?

## Page 24

1 Q. Eleven.  
2 A. I said Jamie, right?  
3 Q. Right.  
4 A. That is all that I can remember and I think that  
5 is it, isn't it?  
6 MR. ANTHONY: Julie.  
7 THE WITNESS: Oh, Arianna.  
8 Jesus. See, I don't see her and all.  
9 It's hard to remember. Arianna, but the

10 mother, she moved to Florida and I have  
11 no idea where their whereabouts is at.  
12 Would I like to see her? Yes.  
13 BY MS. FULTON:  
14 Q. Does Armani live with you?  
15 A. No. No.  
16 Q. Where does she live?  
17 A. With her mother in Sayre, Pennsylvania.  
18 Q. Giavanna lives with you?  
19 A. Yes.  
20 Q. Conciata?  
21 A. No. She lives with her mother in Newark.  
22 Q. And Jessica?  
23 A. She lives with her mother outside of Reading.  
24 Q. What town?

## Page 25

1 A. Warmsdorf. Warmsdorf.  
2 Q. You said you were born in Phillipsburg?  
3 A. Yes.  
4 Q. Did you grow up in Phillipsburg?  
5 A. No.  
6 Q. Where did you grow up?  
7 A. Easton.  
8 Q. What is your highest level of education?  
9 A. Ninth grade.  
10 Q. What school?  
11 A. Easton Area High School.  
12 Q. Any trade schooling?  
13 A. No.  
14 Q. Any other high school?  
15 A. No.  
16 Q. Anything after high school?  
17 A. No.  
18 Q. Are you currently employed?  
19 A. Right now, no. I just discovered that my back  
20 was broken in two places. I guess the vertebrae or  
21 something like that was snapped and I have been  
22 having a lot of difficulty over the years with it.  
23 So right now currently no, I am not employed.  
24 Q. How did you break your back?

## Page 26

1 A. I fell.  
2 Q. When did you fall?  
3 A. While I was in San Diego. The only time that I  
4 knew I had a bad fall.  
5 Q. What was your last job?  
6 A. Good Fellows.  
7 Q. When did you work there?  
8 A. Well, that was '94, something like that and then  
9 -- '94 something like that.  
10 Q. Until when?  
11 A. Oh, well, see, what happened, I got sick and  
12 went to the hospital. That is how I came -- I just  
13 walked away from the business basically, that is what  
14 I did. I got sick, went to the hospital. The doctor  
15 told me I shouldn't go back into the bar because the  
16 bass, the reggae business started coming out and the  
17 bass starting messing with the rhythm of my heart.  
18 The last time I was really, really in the  
19 bar was '94, '95.  
20 Q. And that is the last time you were employed?  
21 A. Yes.  
22 Q. And what did you do at Good Fellows?  
23 A. Well, basically I was just in charge of the  
24 dancers. Entertainment manager, maybe you say that.

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1 Q. But on an average day what did you do?  
2 A. Made sure the girls got to work. Made sure they  
3 were up on stage on time.  
4 Q. How did you make sure they got to work?  
5 A. Drove them.  
6 Q. Went to their house and picked them up?  
7 A. If they didn't have a car I would drive them,  
8 you know, or I would have to sometime if they didn't  
9 show up on the schedule drive to their house and find  
10 out -- get them out of bed.  
11 Q. Where did you work before Good Fellows?  
12 A. J.P. Mascaro's.  
13 Q. What did you do there?  
14 A. Oh, I was just like a janitor.  
15 Q. When did you work there?  
16 A. Oh, '91.  
17 Q. To '94?  
18 A. No. '91 to '92.  
19 Q. What is J.P. Mascaro's?

- 20 A. It is a trash hauling company.  
21 Q. Did you work anywhere between J.P. Mascaro's and  
22 Good Fellows?  
23 A. No.  
24 Q. And where did you work before J.P. Mascaro's?

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- 1 A. I didn't.  
2 Q. What was the last job you had before J.P.  
3 Mascaro's?  
4 A. That was way back in the sixties though. That  
5 would be at Reese Cadillac/Pontiac. And how long I  
6 worked there, was a couple of months, that was it.  
7 Other than that --  
8 Q. You said you were in casting in California.  
9 A. Yes.  
10 Q. Did you work for a company?  
11 A. No. I was an independent contractor.  
12 Q. Just so you know, when I am asking you about  
13 your employment I am also including not just jobs  
14 where you worked for somebody else but where you  
15 worked as an independent contractor.  
16 A. Yes. I understand.  
17 Q. Did you other than when you worked in casting in  
18 California, did you have any jobs between that and  
19 J.P. Mascaro's either as an independent contractor or  
20 --  
21 A. No.  
22 Q. Have you ever been on disability?  
23 A. Yes. I was on SSI.  
24 Q. When did you first go on SSI?

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- 1 A. Oh, heck. That was back in -- the first time I  
2 was on it was in the eighties. 1980s.  
3 Q. And why did you go on SSI in the eighties?  
4 A. I had a heart condition and also a nervous  
5 disorder.  
6 Q. What is the heart condition?  
7 A. Enlarged heart and a blockage.  
8 Q. And what is the nervous disorder?  
9 A. Anxiety attacks.  
10 Q. Since 1980s sometime?  
11 A. Yes.  
12 Q. Have you received treatment for your anxiety  
13 attacks?  
14 A. Yes.  
15 Q. What treatment have you received?  
16 A. They have me on a bunch of medication,  
17 counseling. I had Xanax. Oh, there was so many.  
18 THE WITNESS: What is that  
19 medicine they gave me? Starts with a  
20 P?  
21 MR. ANTHONY: Paxil.  
22 THE WITNESS: Paxil.  
23 MR. ANTHONY: Prozac?  
24 THE WITNESS: Not Prozac.

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- 1 There was another.  
2 MR. ANTHONY: Cyprex (ph).  
3 THE WITNESS: Cyprex. And they  
4 have me on a lot of medications. I just  
5 can't remember them all.  
6 BY MS. FULTON:  
7 Q. Are you currently on any anxiety medications?  
8 A. Xanax. And, see, they want to give me other  
9 medication but because of my heart condition and  
10 blood pressure they don't want to mix the two.  
11 MS. FULTON: We are going to  
12 take a short break.  
13 (Whereupon, a discussion was held  
14 off the record.)  
15 (Proceedings were reconvened with  
16 all counsel and the witness being  
17 present.)  
18 BY MS. FULTON:  
19 Q. Other than Xanax, are you currently on any other  
20 anxiety medications?  
21 A. No. Just counseling. I see Doctor Daley. I  
22 don't remember his first name. I think it is Robert  
23 Daley.  
24 MR. ANTHONY: I don't know.

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- 1 BY MS. FULTON:  
2 Q. Robert Daley?  
3 A. Or David. I am sorry. David Daley. He is a

- 4 psychiatrist.  
5 Q. And how do you spell his last name?  
6 A. D-A-L-E-Y.  
7 Q. And where is his office?  
8 A. Tilghman Street. I don't know the address.  
9 Q. In Allentown?  
10 A. Foegelsville.  
11 MR. ANTHONY: Just outside of  
12 Allentown.  
13 BY MS. FULTON:  
14 Q. How long have you been treating with Doctor  
15 Daley?  
16 A. Almost a year.  
17 Q. And he prescribed the Xanax for you?  
18 A. Yes.  
19 Before that it was Doctor Dedannia, I  
20 don't know how to spell his name. Doctor Dedannia.  
21 He helped me with -- with a lot of my problems,  
22 Doctor Dedannia.  
23 Q. Dedannia?  
24 A. Uh-huh.

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- 1 Q. And where is Doctor Dedannia's office?  
2 A. He is in Bethlehem, Pennsylvania.  
3 Q. Bethlehem.  
4 A. Yeah. He works for the Lehigh County Mental  
5 Health Department. He is the head doctor for them as  
6 a matter of fact.  
7 Q. And you said he helped you with a lot of your  
8 problems.  
9 What specifically are your problems?  
10 A. The anxieties. The anxiety attacks.  
11 Q. You mentioned obviously this morning that you  
12 have a fear of heights.  
13 A. Yes.  
14 Q. What other types of situations trigger anxiety  
15 attacks for you?  
16 A. Being boxed in.  
17 Q. So you are claustrophobic?  
18 A. Right.  
19 Q. Anything else?  
20 A. Loud noises.  
21 Q. Anything else?  
22 A. If somebody argues with me a lot.  
23 Q. Anything else?  
24 A. Not that I can think of. You really want to

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- 1 make me a basket case.  
2 Q. I just want to make sure.  
3 A. You are covering all bases. I understand.  
4 Q. That is right.  
5 How long did you treat with Doctor  
6 Dedannia?  
7 A. Oh, God. A couple of years.  
8 Q. Do you remember when you first started seeing  
9 him?  
10 A. No. Back in 1991.  
11 Q. 1991?  
12 A. Uh-huh. I say from '90 -- I think it was 1990  
13 really. Don't quote me on the dates but I think it  
14 was for two years but whatever --  
15 Q. Two years?  
16 A. Yeah, or a year. Year and a half to two years.  
17 Q. Okay.  
18 From the time you treated with Doctor  
19 Dedannia in '92 to when you started treating with  
20 Doctor Daley a year ago, did you see any --  
21 A. Yeah. Doctor Geronimo.  
22 Q. How do you spell his name?  
23 THE WITNESS: You spell  
24 Geronimo.

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- 1 BY MS. FULTON:  
2 Q. Like the Indian?  
3 A. He was my doctor from 1991 until up until about  
4 two -- two, three years ago.  
5 Q. Is he a psychiatrist?  
6 A. No. He is a regular doctor. A medical doctor.  
7 Q. Your family doctor?  
8 A. Yes.  
9 Q. So until about 2000 maybe you treated with him?  
10 A. Yeah.  
11 Q. Where is his office, Doctor Geronimo?  
12 A. William Penn Highway. He is retired now, that  
13 is why. And my current doctor is Doctor Shingles.

14 David Shingles.  
15 **Q. Shingles?**  
16 A. Uh-huh. And my heart doctor is Doctor Bruce  
17 Feldman. And my blood pressure doctor is Doctor  
18 Kopyt.

19 THE WITNESS: How do you spell  
20 Kopyt? K-O-Y-P-T.

21 MR. ANTHONY: -- P-Y-T,  
22 something like that.

23 BY MS. FULTON:

24 **Q. Where is Doctor Shingles' office?**

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1 A. Allentown. All of them is Allentown.  
2 **Q. Doctor Kopyt?**  
3 A. Allentown.  
4 **Q. And Doctor Feldman is also in Allentown?**  
5 A. Allentown.  
6 **Q. Did Doctor Geronimo treat you for your anxiety?**  
7 A. Oh, yes.  
8 **Q. So he prescribed Xanax or other anxiety  
9 medication?**  
10 A. Yes.  
11 **Q. Does Doctor Shingles prescribe any anxiety  
12 medication or does he treat your anxiety in any way?**  
13 A. With the Xanax too. I can either go to Shingles  
14 or Daley for the same thing and basically, believe it  
15 or not, I really have been taught to do meditation to  
16 help control it.  
17 **Q. Who taught you how to do that?**  
18 A. Doctor Dedannia told me to read or just go  
19 somewhere in a quiet room. He called it mood music.  
20 One time there back in the eighties I was  
21 really bad and it really started all happening after  
22 my motorcycle accident. I was in a bad motorcycle  
23 accident and that is when it all started.  
24 **Q. The anxiety started?**

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1 A. Yes.  
2 **Q. Did you have any other injuries other than the  
3 anxiety as a result of the motorcycle accident?**  
4 A. I had head injuries. Concussion, bad. Bad  
5 concussion. Yeah. That was about it.  
6 **Q. Were you hospitalized?**  
7 A. Twice.  
8 **Q. As a result of the motorcycle accident?**  
9 A. That was back in the eighties.  
10 **Q. Do you take the Xanax that you are currently  
11 prescribed on a daily basis?**  
12 A. Yes.  
13 **Q. But you didn't take it this morning?**  
14 A. No, because I knew I was coming here.  
15 **Q. So you said the first time you were on SSI was  
16 in the 1980s?**  
17 A. Yes.  
18 **Q. And then did there come a time when your Social  
19 Security benefits stopped?**  
20 A. Yeah. Well, I went to jail.  
21 **Q. Okay.**  
22 A. I know you want to get to that level so let's  
23 get to it.  
24 **Q. When were you first arrested?**

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1 A. You are pretty smooth. I like you. I really do  
2 like you.  
3 First time ever in my life?  
4 **Q. First time ever.**  
5 A. Oh, God. Oh, gees. That is a good one. That  
6 goes back to in Lehigh County. Oh, God. '68.  
7 Yeah. '68.  
8 **Q. And what were you arrested for?**  
9 A. Burglary.  
10 **Q. Were you convicted?**  
11 A. I pled guilty.  
12 **Q. Did you go to jail?**  
13 A. Two months.  
14 **Q. In Lehigh County Prison?**  
15 A. Yes.  
16 **Q. And I am assuming you were arrested again.  
17 When were you arrested again?**  
18 A. You are so smooth.  
19 Oh, God. It was in 1969 I believe. Yes.  
20 And I was arrested for robbery, pandering. A whole  
21 bunch.  
22 THE WITNESS: You know, by the  
23 way, we have to do something about that.

24 Pandering. More or less charges. And

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1 then after that I went to California.  
2 BY MS. FULTON:  
3 **Q. I will stop you there for a second.**  
4 Did you plead guilty or did you go to  
5 trial?  
6 A. No. Pled guilty.  
7 **Q. What were the circumstances? What did you do  
8 that you were arrested for?**  
9 A. There?  
10 **Q. I understand what your charges were but what did  
11 you actually do that resulted in your arrest?**  
12 A. Well, somebody else robbed somebody, a business  
13 owner and they said that I master minded the robbery.  
14 First they said I was there. I wasn't there, but  
15 that is the day -- that is what they did.  
16 So at the time, I don't know if you Gus  
17 Milides, he was the premier attorney in North Hampton  
18 County. Did a lot of cases here in Philadelphia  
19 too. He was my attorney and Gus at that time said to  
20 me, well, plead guilty. I would have never pled  
21 guilty. He told me to plead guilty and,  
22 unfortunately, I listened to him and ended up  
23 pleading guilty I swear to God to things that I did  
24 not do.

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1 **Q. How do you spell his last name?**  
2 A. M-I-L-E-D-I-S. And I guess, you know, you can  
3 quote me on this too. I became very bitter ever  
4 since that time and that was the first time that, you  
5 know, because here was I guess -- here was Justin  
6 Gerlanio (ph), he was another attorney but Gus  
7 Milides was in Easton and Gerlanio was in Bethlehem  
8 and Gus who I thought was my friend, he was a lawyer,  
9 but I considered him my friend. He told me to go  
10 plead guilty to all those charges. I said okay and I  
11 pled guilty and that's when I got into start writing  
12 law right there. That is what started it because I  
13 really had the -- I really could only like read like  
14 a fourth grade person, like a third grade person. My  
15 handwriting was atrocious, my spelling is still bad  
16 but it was really bad then.  
17 And so as a result of him telling me to  
18 plead guilty to all those charges I began to read law  
19 books and I read, and I read, and I read, and I read  
20 and a lot of it I didn't understand. A lot to this  
21 day I don't understand, but I think it was the basis  
22 for me to read, you know, philosophy. Different  
23 philosophers.  
24 And then after that I am sure when you get

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1 to the criminal aspect of my records.  
2 **Q. Before we do that, where were you arrested in  
3 1969? What town or what department?**  
4 A. Easton. Easton -- Easton Police I guess it was.  
5 **Q. Okay.**  
6 And after that arrest in 1969, you pled  
7 guilty?  
8 A. I went to prison.  
9 **Q. For how long?**  
10 A. Two to four years.  
11 **Q. How long did you serve?**  
12 A. Served three.  
13 **Q. North Hampton County Prison?**  
14 A. Yeah.  
15 **Q. You never went upstate or anything?**  
16 A. Yeah, I did. They sent me up there. Oh, God, I  
17 was up there for about a year.  
18 **Q. Where? Which one?**  
19 A. Dallas and Huntington.  
20 **Q. After the 1969 arrest, when were you next  
21 arrested?**  
22 A. Oh, God. California.  
23 **Q. What year was that?**  
24 A. Oh, God. '73, '74.

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1 **Q. What town or what police department?**  
2 A. San Diego.  
3 **Q. What were you arrested for?**  
4 A. Murder.  
5 **Q. Did you plead guilty or did you go to trial?**  
6 A. Oh, trial.  
7 **Q. Were you convicted?**



8 A. Yes. Of second degree murder.  
9 Q. How long did you serve?  
10 A. Oh, about five years. Five and a half years.  
11 Q. Were you sentenced from five to ten?  
12 A. No.  
13 Out there in California it was -- at that  
14 time the sentencing structure was a life sentence.  
15 It was one year to life and you can get out at any  
16 time in between that time. Now, they changed it  
17 now.

18 I am going to tell you a true story what  
19 happened with this. You know the guy that prosecuted  
20 me came to prison to see me and apologized and shook  
21 my hand. I swear before God. I swear to God. You  
22 know, and I want to get back out to San Diego and  
23 just ask him why he did that. I mean, cause when I  
24 was in the prison I was in there with Roman Polanski

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1 too, served time with him. And I got -- I didn't  
2 know anybody really to come and visit me because I  
3 didn't want anybody to know I was in prison.

4 So when I was in prison they said I had a  
5 visitor and when I went out there it was the man who  
6 prosecuted me. I swear to God. He was sitting at a  
7 table. And I said, well, why did you come to see  
8 me. He said because I believe in your innocence, he  
9 said but I had a job to do. To this day no one ever  
10 said I killed anybody. Nobody ever testified to  
11 that. This is purely circumstantial evidence in the  
12 case and because it was my ex-girlfriend, you know,  
13 you are in California, people associate with people  
14 and I can't control who all, you know, I associate --

15 Q. You are saying your ex-girlfriend was the victim  
16 or the murderer?

17 A. No. The victim. And even when they picked me  
18 up, when the San Diego Police picked me up, they said  
19 to me we don't believe that you did it but we believe  
20 that you know who did it. Oh, yeah. They said  
21 that. I said, well, I can't tell you. Robert  
22 Madugra, you write his name down. Robert Madugra was  
23 my attorney at that point. His dad was the owner of  
24 the Chicken of the Sea Tuna. Bobby Madugra came to

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1 me and said, Jason, you have six months in the county  
2 jail. If you plead guilty to unlawfully disposing of  
3 a body we will give you six more months and you can  
4 go wherever you want to go. I said to him, I said,  
5 Bobby, because he became my friend, I said if you  
6 offer me six days I can't take it because I killed  
7 nobody. He says, I know that, you know that, they  
8 know that and that is why they are giving you this  
9 chance to walk out. I said, Bobby, I am sorry. I  
10 can't do it. I was to see him five years later and  
11 when I saw him he said do you mind if I withdraw from  
12 your case. I said no, go ahead. When I seen him  
13 five years later before Judge Gilian I broke down and  
14 cried like a baby. He said I told you to take the  
15 six months. But, you know, back in that time, you  
16 know, I was a radical person. This power to the  
17 people, all that BS.

18 But then in between that time Norbert  
19 Ehrenfurnd who is from Philadelphia here was my  
20 attorney. He was the chief Public Defender after  
21 Bobby Madugra got off the case. Norbert Ehrenfurnd  
22 went on to become Judge of San Diego County and to  
23 this day he is my personal friend. His partner also,  
24 Napoleon Jones who is to this day a Federal Judge in

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1 San Diego became my personal friend representing me  
2 who also -- when Judge William T. Lowe sentenced me,  
3 I never seen nothing like this in my life, both  
4 attorneys crying in the courtroom and they took me  
5 off. They stood by me and to this day and I can go  
6 out there and I can go to San Diego. I should have  
7 went right back there but I am telling you the God's  
8 honest truth and I really, really, really should  
9 write a book about it. I really should while  
10 everybody is still alive.

11 Robert O. Stanaforth, I became good  
12 friends with Bob Shapiro because he was working under  
13 Harry Weese. Over in Hollywood they were known as  
14 the Hollywood gangsters. I didn't know Johnny  
15 Cochran but I did get to meet Alvin Michaelson.  
16 Alvin Michaelson was also one of the lawyers in the  
17 background to OJ because he put out that two hundred  
18 and fifty thousand dollar reward for the killer.

19 Nobody took the money and OJ was sitting right  
20 there. That is so funny.  
21 But I was in California, what, two years  
22 ago and I called Alvin Michaelson and after not  
23 seeing him, and he is a Jewish lawyer, and I called  
24 him and I said Alvin, how you doing. He said, gees,

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1 stay here. Don't go back to Pennsylvania. But  
2 beautiful man and when I see him now he is all like  
3 humped over, but I remember back in the day I seen  
4 this young wavy hair, just out of the U.S. Attorney  
5 General's office. He said to me, I am going to be  
6 your friend and took my hand. I was just a hippy and  
7 to this day he knows who I am.

8 But, yeah, I have been in prison for those  
9 things and I became very bitter because the things  
10 that I did do I didn't go to jail for and I always  
11 went to jail, and that is the God's honest truth, for  
12 what other people said I did, not for what they  
13 caught me to do. And to this day Gus Milides, and he  
14 knows Gus Milides. I can go to Gus Milides' office,  
15 he apologized to me for telling me to plead guilty.  
16 I guess, you know, I didn't have any money and he was  
17 just taking the case pro bono. He felt, go in there  
18 and plead guilty and go and get it done there.

19 The Judge who sentenced me, Judge Albert  
20 T. Williams who became the President Judge he became  
21 my friend. He gave me you as an attorney. And  
22 before he died, I said, Judge, what is going on. He  
23 says, because Tom is quiet. I says, what is going on  
24 Judge. He is totally the opposite of my

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1 personality. And he was up in the -- what is that  
2 big hardware store? What is it called, Home Depot.  
3 He is in the parking lot and he laughs like Gregory  
4 Peck. He goes ha, ha, ha. Jimmy, I figured you  
5 would make it to a real attorney I said okay Judge.  
6 But he and his wife, I really honestly and I started  
7 pretrial services by the way you can put that down, I  
8 start that had me and Carol Thompson. That is for  
9 indigent people who wanted ten percent bail we start  
10 that had program right there in Bethlehem. It was  
11 called Lehigh Valley pretrial services and then that  
12 is when I got out I took off and went -- do you know  
13 Agnes Coleman and Coleman Camping Equipment.

14 Q. I know Coleman Camping Equipment?

15 A. She is air to that because her husband John  
16 passed away and they were very, very good to me and I  
17 guess the greatest mistake that I think I made in my  
18 life was they paid for me to go to Colegate  
19 University and I turned it down. I don't think I  
20 would be here today. She was -- and at the time,  
21 Governor Milton Schapp kind of took me under his wing  
22 and Robert Klein was his Attorney General. That is  
23 when I was in prison. I still write the Governor  
24 letters, I swear to God, and I was just so happy to

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1 be able to write because I couldn't write. I would  
2 write him letters and just tell him what it was  
3 like.

4 Is he still alive, Governor Schapp?

5 Q. I don't know.

6 A. But he became my friend. He literally became my  
7 friend, honest to God. And he was instrumental, him,  
8 Judge Grifo. Judge Grifo was the Judge who said you  
9 go back to prison and by the time you get there your  
10 papers will be waiting for you, in North Hampton  
11 County. Judge Grifo, he was the senior Judge and he  
12 was forced to retire about, what, a month ago?

13 I used to as a kid take beer bottles and  
14 soda bottles down to his mom and dad's bar and I  
15 would sit there while he was in college and they  
16 would be telling me. Oh, Jamie, he is the kid that  
17 cost me so much money. Who is he because I never met  
18 him. They would always tell me about it. They treat  
19 bottles down there, the Valentine beer bottles.

20 But any questions you want to ask me about  
21 my criminal past, go ahead. I am more than willing  
22 to talk.

23 Q. I want to follow-up on one thing.

24 You said you started to feel bitter when

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1 you went to jail in California.

2 A. Oh, no. Well, you know, what? Listen. What  
3 happened, Governor Jerry Brown, when I was at San



4 Quinton Prison, I said to him, give me truth serum,  
5 give me a lie detector's test, give me hypnosis, I  
6 killed nobody. If I fail any of these tests I will  
7 serve the rest of my life here in this prison.  
8 He sent an agent down to see me and he  
9 came in and said I am here from Governor Brown's  
10 office and Governor Brown wanted me to talk to you.  
11 I says, I want to take truth serum test, polygraph  
12 test, hypnosis. Give me all three. I am an innocent  
13 man sitting here.

14 At the time I was working for a certain --  
15 I was just like running for the Campisi brothers down  
16 in San Diego and they have a place there called Ranch  
17 Alacasta and there was a lot of people, important  
18 people from all over sitting down there and they  
19 thought that I knew something. I didn't know nothing  
20 about nothing and basically they are interested in  
21 that and not the crime itself.

22 And so I really, that isn't when I first  
23 became bitter, I became bitter with Gus Midides told  
24 me to plead guilty. He told me to plead guilty.

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1 Assignment, I never knew what assignment meant  
2 until probably ten, fifteen years ago. Did I ask  
3 you? I asked someone. I said, what is that. I  
4 never knew but he was having me plead guilty to  
5 prosecution and assignment. I didn't know that  
6 stuff. I was very bitter toward it because I liked  
7 -- I liked Gus, but for the most part, I think that  
8 when I got out of prison I kind of just mellowed  
9 out. Even when I was a biker I just was like  
10 mellowed out.

11 Q. So the only person you felt bitter against was  
12 Gus Milides?

13 A. And the system. And the system didn't work  
14 because the system only worked for people who had  
15 money and I quickly learned that if you had money for  
16 high powered lawyers the system served you, but if  
17 you had a public defender he went through the ritual  
18 as a matter of formality but not as a matter of  
19 concern or for professional responsibility of people  
20 and I thought it was, oh, so sad. And I thought to  
21 myself, how many other people. I remember when the  
22 detective came in and he said, we have a bunch of  
23 burglaries, Ginny Rose, and how wow like to plead  
24 guilty to a couple of these here. We will make sure

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1 you get time served. I looked at him. Being as  
2 stupid as I am, I knew I wasn't going to do that,  
3 plead guilty, and they talked to me just like it was  
4 something out of a nut house. Well, we got  
5 burglaries here, we got burglaries over there. Well,  
6 would you testify and say that you were with this guy  
7 right here when he did these burglaries. And all  
8 that sat inside of me and I knew that -- I knew in my  
9 heart if I would have a lot of money I would have  
10 never, ever been in that position because I saw  
11 people, I saw people come to prison on murder charges  
12 with high powered attorneys and would be out in a  
13 couple of years. I have seen it all and that is what  
14 made me become bitter.

15 Even Louis Ludwig, L-U-D-W-I-G, he, God  
16 rest his soul, I am trying to say, when I was there I  
17 tried to rob him, he told the God's honest truth, was  
18 a German man. And when I worked down at Reese  
19 Cadillac/Pontiac, I used to pick him up and he owned  
20 a Manhattan bar and I would take his car over to  
21 him.

22 In Court he told the magistrate or at that  
23 time was Alderman, he said I know Jimmy. He was not  
24 the one to rob me. He knew me and they tried to

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1 force him to say that I robbed him and I never robbed  
2 him. And he is another one, when I got out I went to  
3 his bar and I said, Louis, I want to thank you for  
4 telling the truth on me. He said, Jimmy, any time.  
5 Any time you want to come to this bar. You drunk.  
6 And he told the truth. And he said -- because when I  
7 used to pick him up in his car he gave me a  
8 fifty-dollar bill. Back in the sixties, that is a  
9 lot of money fifty dollars and I just had no need to  
10 rob him.

11 But it was somebody else that robbed him  
12 and I was affiliated with the mother of my oldest son  
13 Jimmy. She is the one. She was involved with a pimp  
14 up in Easton and I was just a pool hustler there.

15 That was the most I was. I was a pool hustler there  
16 and Felton Gilbert was the name of the man. And what  
17 she did was, she went to Court, she twisted  
18 everything that put him in the background and me in  
19 the front. And because of that third or fourth grade  
20 education that I had it was too perplex for me in  
21 that courtroom. I didn't understand nothing.  
22 Nothing, nothing. Nothing.

23 Here was my attorney telling me, Donald  
24 Collier who is recently retired District Attorney had

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1 became my attorney. Gus Milides came to Court and  
2 said to Judge Williams that he violated my rights.  
3 He testified under oath. He says, yes, and Donald  
4 Collier who just now retired, the District Attorney  
5 three, four years ago was my attorney. He said did  
6 you do this. Did you tell Jimmy to plead guilty to  
7 these charges that he was not guilty. Did you know  
8 he was not guilty. He said yes, yes, yes, yes and he  
9 still made me serve the time.

10 So Judge Grifo he then called me down. He  
11 said, Jimmy, what we are going to do here is we are  
12 going to let you go. Just like in San Diego. Judge  
13 Gillian was the Judge. Called me right down to the  
14 thing and he says, you sign these papers that you are  
15 not going to sue San Diego and you are released and  
16 that is how I got out.

17 Lou Wentzel was one, he was a Federal  
18 Judge also. He was one of my attorneys too. Judge  
19 Judith Keith was one of my lawyers, they made her a  
20 Judge. Just about everybody that was around me they  
21 made a Judge. That is true. So if you ever  
22 represent me you just might become Judge.

23 Even Phil Lauer know. You know Phil Lauer  
24 up in Easton?

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1 Q. No.  
2 A. You have to know Phil because he filed some  
3 Civil Rights suits and if anybody has any brains they  
4 will hire your law firm up there.

5 Q. I haven't come across him. Maybe the firm has  
6 but I haven't.

7 A. Phil, they tried to make him a Judge. They  
8 tried to make him a Judge. Hampton County is  
9 democrat, you know.

10 Any other question to ask me about my  
11 criminal past? I had some conflicts with the law,  
12 yes, I did.

13 Q. Okay.  
14 The five years that you served in  
15 California, was it all at San Quinton?

16 A. No. San Quinton, I went to Folsom and the  
17 warden kicked me out over there. I don't want this  
18 man in my prison, he writes too much.

19 And at that time, I'll tell you, I met  
20 Charlie Manson. Here that? I met Charlie Manson, he  
21 was really a weird guy. And who was it, Dustin  
22 Hoffman, when he made Dog Day Afternoon. They didn't  
23 take him to meet Charlie Manson, they took him to  
24 meet me. I will never forget that. We want to

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1 introduce you to Jason Roman, he is our famous  
2 jailhouse lawyer. They said he writes all the time.

3 So you know what they used to do to me out  
4 there? They would give you out there in Folsom they  
5 serve the best food in the prison systems. They  
6 would bring the big food cart out, I don't know if  
7 you know the placidil, looks like a football. It's a  
8 green pill. They said say to me, here, we have your  
9 medication. I said, hey, I never asked for  
10 medication. He said, well, we got your medication  
11 here. Would you like to take it before dinner. A  
12 little green football gel pill. And so they would  
13 take the cart and take it down the street and come  
14 back, so I think that they would pop the pill and  
15 squeeze it on the salisbury steak. After I hate I  
16 would go to sleep and wouldn't wake up the next day  
17 and this was happening for about a month.

18 So I filed a petition in Sacramento  
19 Federal Court, so the Judge issued an order to take  
20 me before the Court to do a blood test. This was, I  
21 will never forget the date, on December 7th the order  
22 came out. On December 8th I was sitting in San  
23 Quinton Prison. They got me out of the prison. I  
24 swear to God, but I was going to sleep. But when

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1 they made that movie Dog Day Afternoon, Dustin  
2 Hoffman, I met him, he came right to the cell there.  
3 And Doctor Coupe under Ronald Reagan, the  
4 Attorney Surgeon. Well, his brother was my teacher.  
5 Yeah, and he would go. There was like twenty-five  
6 cells there and it was called A-Block. Well, he  
7 would go talk to everybody for two minutes and then  
8 run down to myself and we would go into the  
9 universe. I would talk about the black holes. He  
10 was my friend. He was truly my friend and he would  
11 tell me that his brother was going to become  
12 something very powerful, this is very regular, and  
13 became elected. He said he was going to be very high  
14 in the government and he did. Unless it's a Surgeon  
15 General. Doctor Coupe.  
16 Would you like to ask me something about  
17 what happened that night up in Reading?  
18 Q. I think we will get to that eventually.  
19 After the 1973 or '74 arrest in  
20 California, were you arrested again?  
21 A. Oh, God. Yeah. Theft by deception.  
22 Q. And when was that?  
23 A. Lehigh County.  
24 Q. And when was that?

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1 A. That was 1984.  
2 Q. Theft by deception?  
3 A. Yes.  
4 Q. What town or what department?  
5 A. And I had a gun charge also.  
6 Q. Was that the same time or before?  
7 A. Before.  
8 Q. When was the gun charge?  
9 A. Oh, God. 1981 or '82.  
10 Q. Where was that?  
11 A. That was in Easton, Pennsylvania. I pled guilty  
12 to terroristic threats and they threw the gun charge  
13 out.  
14 Q. Did you serve any time?  
15 A. Yeah. Combined between the theft by deception  
16 and combined with the two. Theft by deception and  
17 the terroristic threats was two years. I served two  
18 years.  
19 Q. Where were you arrested for the theft by  
20 deception?  
21 A. Lehigh County.  
22 Q. What town, what department or town?  
23 A. Allentown.  
24 THE WITNESS: We have to put

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1 that letter before Superior Court.  
2 BY MS. FULTON:  
3 Q. Where did you serve your two years?  
4 A. Between North Hampton County and Lehigh County  
5 Prisons.  
6 Q. Were you arrested after 1984?  
7 A. '84? No. That was it.  
8 Q. You say your last arrest was in 1984?  
9 A. Yes. That is when the charges came out, '84.  
10 No, '85. I am sorry. '85, and I haven't been in  
11 trouble since then. No.  
12 Q. Were your SSI benefits suspended while you were  
13 incarcerated?  
14 A. Yeah.  
15 Q. When were your benefits reinstated?  
16 A. When I got back out.  
17 Q. So in '85 or '86 or '87?  
18 A. In 1990 I think it was.  
19 Q. 1990?  
20 A. Uh-huh.  
21 Q. Is that when you were released from prison?  
22 A. Yeah.  
23 Q. So did you serve five years? You said you were  
24 arrested or the charges came out in '85 in Allentown?

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1 A. '85, no, but I was on the run from the law. So  
2 I got picked up in '87, latter part of '87. The end  
3 of '87.  
4 Q. So you were a fugitive from '85 to '87?  
5 A. Yes.  
6 Q. Your benefits, Social Security benefits were  
7 reinstated in 1990?  
8 A. Yes.  
9 Q. And have you been receiving SSI benefits

10 continuously since 1990?  
11 A. No. I got off of that. When I started dealing  
12 with the bar I got off of it.  
13 Q. Do you remember what year that was?  
14 A. Oh, God. '93. '92. No, '92. I would say '92.  
15 Q. And did there come a time where you went back on  
16 Social Security disability?  
17 A. No.  
18 Q. So you are not currently receiving any  
19 disability benefits?  
20 A. No.  
21 Q. When was the last time you filed an income tax  
22 return?  
23 A. Oh, God. 1990.  
24 Q. So you haven't received a W-2 or any other tax

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1 form since 1990?  
2 A. No.  
3 Q. And you haven't filed an income tax return since  
4 1990?  
5 A. No. Didn't want to because I was living off of  
6 the money that I made back in the eighties.  
7 Q. What money did you make back in the eighties?  
8 A. Well, the theft by deceptions, I made a lot of  
9 money. So the plane route, the girls, they give me a  
10 couple of dollars but wasn't nowhere near to take  
11 care of me. So I waited until the statute of  
12 limitations ran out and I went and got the money and  
13 started spending it and that is what I started living  
14 off of.  
15 MS. FULTON: I am going to take  
16 a break.  
17 (Whereupon, a discussion was held  
18 off the record.)  
19 (Proceedings were reconvened with  
20 all counsel and the witness being  
21 present.)  
22 BY MS. FULTON:  
23 Q. What was the date of the incident at issue in  
24 this lawsuit?

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1 A. Oh, God. I don't even know. You got that?  
2 Q. If I tell you it was June 14th, 2002, does that  
3 sound --  
4 A. Possibly. I am not going to say you are wrong.  
5 Q. Summertime?  
6 A. Yes.  
7 Q. Last summer, not this past summer?  
8 A. Right.  
9 Q. Had you ever been to Reading before this  
10 incident?  
11 A. Yes.  
12 Q. How many times had you been to Reading before  
13 this incident?  
14 A. Oh, God. Maybe forty, fifty times. Thirty  
15 times, but mainly at the Allied Center, Vanity Fair.  
16 That is where my travels took me to.  
17 Q. Have you ever been to downtown Reading?  
18 A. Only to go down Fifth Street Highway, that was  
19 about it. Going to the right or to the left, no.  
20 Q. Had you ever been in the neighborhood where the  
21 incident happened before?  
22 A. No. If I was, I don't recall. Maybe, yeah --  
23 no. I dropped somebody off in that neighborhood, not  
24 where that incident happened, but -- what is that

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1 center there? That entertainment center?  
2 Q. Sovereign Center?  
3 A. Sovereign Center. I dropped people off there  
4 that was going to the show.  
5 Q. How long ago was that?  
6 A. Oh, God. That is how I come to meet the girl  
7 that told me to come over there to pick her up to  
8 give her a job. She used to work at the bar when it  
9 was Good Fellows, you know. She was over by the  
10 Sovereign Center. I said I will give you a job. She  
11 told me she lost her kid. And she said, well, come  
12 back and I will meet you. She said between twelve  
13 and one. I don't know nothing about -- what street  
14 was that that I was on?  
15 THE WITNESS: What was the name  
16 of the street? Franklin Street. I don't  
17 know nothing about no Franklin Street and  
18 I went up there looking for her. And I  
19 didn't see her, went around the block a



20 couple of times, tooted the horn, didn't  
21 see her. Said, okay. Well, obviously  
22 she doesn't want to work.  
23 BY MS. FULTON:  
24 Q. I will stop you there for a second.

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1 According to your Complaint you said that  
2 you'd received a telephone call from a friend who was  
3 seeking employment --  
4 A. Uh-huh.  
5 Q. -- and asked you to come and speak with her.  
6 A. Right.  
7 Q. And you were to meet on Thursday night at her  
8 home.  
9 A. Well, yeah. Where she was staying at.  
10 Q. What was her name?  
11 A. God. I don't know. I mean, -- I can find out.  
12 Q. I would like you to find out and ask --  
13 MR. ANTHONY: Can I show him  
14 the Complaint here?  
15 MS. FULTON: Yes.  
16 BY MS. FULTON:  
17 Q. And I was referring to --  
18 A. Kathleen was the other friend.  
19 Q. I was referring to paragraph eight.  
20 A. Let me find out this girl's name.  
21 MS. FULTON: We will go off  
22 the record for a second.  
23 (Whereupon, a discussion was held  
24 off the record.)

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1 (Proceedings were reconvened with  
2 all counsel and the witness being  
3 present.)  
4 BY MS. FULTON:  
5 Q. And what time were you supposed to meet Kerri  
6 Horrex?  
7 A. Between twelve and one and I think I got there  
8 maybe a little after twelve if I remember correctly.  
9 Q. And did you actually meet with Kerri?  
10 A. No. I didn't see her. I tooted the horn, you  
11 know, out in front of her apartment and I drove  
12 around and then I went up to see this other girl  
13 Kathleen. Yeah, that is what happened.  
14 Q. In the Complaint it says: After meeting with  
15 this friend the plaintiff decided to stop at the home  
16 of another friend.  
17 A. Yes. See, but that is a misprint by me. I  
18 didn't meet.  
19 Q. You didn't?  
20 A. I didn't meet with her.  
21 Q. You say you knew Kerri Horrex?  
22 A. She asked for a job. She told me -- I had seen  
23 her about a week prior to that, okay? And she -- I  
24 dropped someone off at, what is that?

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1 Q. Sovereign Center.  
2 A. Sovereign Center, and I was turning down, I  
3 guess it was Ninth. I was turning down to go back  
4 down to Fifth Street and I seen this girl and I had a  
5 Lexus at the time and she started waving to me. She  
6 says, I knew I knew who owned this car. I said, what  
7 are you doing out here. She said, well, I lost my  
8 kid and I need help. So I said, why don't you come  
9 back down and work at the bar. Beats walking the  
10 street here. And she said, I will do that and that's  
11 when I think a couple of days she told me to come up  
12 and talk to her. I think she wanted me -- I can't  
13 remember. I think she maybe wanted me to talk to her  
14 boyfriend or whatever to shorthand that she was  
15 coming to work and it was a legitimate thing and I  
16 wasn't just there and she wasn't cheating on him with  
17 me.  
18 Q. So she used to work for you?  
19 A. Yes.  
20 Q. When you say at the bar, you mean Good Fellows?  
21 A. Right. She worked down there.  
22 You know, let me tell you something. I  
23 got something to tell you. Your clients never came  
24 and asked me, what is so strange. Since that

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1 shooting I have not heard from Kerri. She called me  
2 several times prior to the shooting. Are you sure  
3 you are coming? Yeah, I am coming up. I have not

4 heard from Kathleen. Neither one. I went to  
5 Kathleen's house because Kerri told me to go up to  
6 Kathleen's house because I didn't know where Kathleen  
7 lived. She told me exactly where to go and I went up  
8 there and I put down on the thing that there was one  
9 black guy, there was two up in the window.  
10 Q. Okay.  
11 So Kerri told you where Kathleen lived?  
12 A. Yeah.  
13 Q. She told you that when you talked to her on the  
14 phone?  
15 A. No. When I had -- when I met her. After I  
16 dropped somebody off at the Sovereign Center, there  
17 was some kind of concert going on and that is how I  
18 come to go up the street. And when I was going to  
19 take to go around the block to come down, that is  
20 when I seen Kerri. And, I mean, I never knew her to  
21 walk the street. I never knew her like that because  
22 I asked her. I didn't know if she was doing that but  
23 it was like -- it was like, I don't know, ten, eleven  
24 o'clock at night, you know, but I didn't see her for

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1 almost a year. And I just asked her what she was  
2 doing. She said I am out there because I lost my  
3 kid.  
4 Q. So she was prostituting herself?  
5 A. She didn't say that but I -- I almost want to  
6 say that is what she was doing but I can't swear to  
7 it. All I knew is that I said to her, well, what are  
8 you doing out here. That is what I said, you know.  
9 Q. And you asked her if she would want to come back  
10 to Sin City and work?  
11 A. Yeah. It wasn't Sin City. I don't know what it  
12 was. It was DJ Knockers when it was Dick and Jen,  
13 DJ.  
14 Q. So the bar had a different name then?  
15 A. Yes. Yeah.  
16 Q. DJ --  
17 A. -- Knockers. And I said --  
18 Q. And it was an exotic dance club then?  
19 A. Yeah. See, here is the deal.  
20 She knew Jen, the girl that I just called,  
21 Jen Miller. I said to her, I would see if she can  
22 work down there, okay? I talked to Dick and Jen,  
23 they said, yeah, she can work there. I didn't know  
24 why she wanted me to come pick her up. I think --

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1 when I go back in time and I think about it, she  
2 didn't have any money for food. The time I seen her  
3 when I ran into her by accident she asked me to take  
4 her to Dunkin Donuts. I took her over there, I  
5 bought two dozen donuts for her and I don't know, it  
6 was a big drink. I don't think it was a soda, it was  
7 some other kind of drink and then I dropped her back  
8 off there. And she called me several times on my  
9 cell phone to tell me to come up to see her, to talk  
10 to her, to assure her boyfriend that she wasn't  
11 cheating on him, things like that. But, I mean, I  
12 never knew her -- I didn't -- I don't know. But I do  
13 know that when I got there I tooted the horn, she  
14 didn't come out. I went around the block, I tooted  
15 the horn maybe five minutes later, she didn't come  
16 out. So I drove up to see if I could see Kathleen,  
17 maybe the two of them were together.  
18 So when I get up there I toot the horn, I  
19 don't see, nobody comes to the window. I go down  
20 around the block and get it in my mind now because I  
21 can remember because it was drizzling that night. It  
22 was drizzling rain, so I come back down and I toot  
23 the horn again in front of this Kerri's house. This  
24 time the apartment she lives in the lights are out.

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1 So I said, well, piss on this. I am going to go up  
2 and check on Kathleen. I go up to Kathleen's and I  
3 said, hey, there is two black guys in the window, I  
4 said where is Kathleen. They said she went to the  
5 store. She will be back in ten or fifteen minutes.  
6 I said okay. So I go down. I am just cruising  
7 around that area and I come back about ten, fifteen  
8 minutes later, I toot the horn, nobody is there. The  
9 two black kids are not there, nobody. The lights are  
10 out up in Kathleen's apartment. So I go down and I  
11 go by Kerri's place.

12 THE WITNESS: Got a sheet of  
13 paper?

14 MR. ANTHONY: Yes.



15 THE WITNESS: This is my last  
16 -- this was my last trip. I was really  
17 agitated because I felt that I was made a  
18 fool out of because I drove all the way  
19 up from Allentown. I think this is Ninth  
20 right here. There is a Gold something,  
21 real estate or something right on the  
22 corner. Right next to that there is  
23 Kerri's apartment right here.  
24 BY MS. FULTON:

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1 Q. Is that Ninth?  
2 A. This is Ninth. Okay? So when I come, I am  
3 coming up this street right here, I look over here  
4 and I see the lights are still out. So when I get up  
5 here I am Tenth or Eleventh, I don't know. I really  
6 truly don't.  
7 Q. What was the street you were driving on?  
8 A. This is Franklin.  
9 Q. Franklin.  
10 So you went past Ninth Street?  
11 A. Yeah. I went past Ninth. When I got up through  
12 here, whether it was Tenth or Eleventh, I don't know,  
13 maybe even between them two I hear this pop, pop,  
14 pop, pop, pop. Sounds like firecrackers. And I  
15 said, wow. It's drizzling out here. Then a voice  
16 came in my head and said, Jimmy, get out of here. I  
17 stepped on the gas, the car almost went into another  
18 car and I sped up, went down and I got on Penn  
19 Street. I turned down Eleventh or Twelfth, whatever  
20 it is, and this is Penn Street.  
21 Q. So you made a left on to Eleventh or Twelfth?  
22 A. Right. Whatever street it was, and I come back  
23 here to Penn. And when I got down here, right here,  
24 there is a store a Rainbow Store, I think it was

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1 called Rainbow, and right here there is maybe five or  
2 six cop police cars.  
3 Q. Past Ninth again?  
4 A. Yeah. This is all the way down to Fifth.  
5 Almost down to Fifth and Penn. This is, I think this  
6 is Sixth right here. Between Sixth -- right here. I  
7 pulled my car down here, I pulled over there and I  
8 get out and I am shaking and I look at the car I am  
9 saying, I still don't think -- I better check the car  
10 out. I look and I see the bullet holes. A bullet  
11 hole on the side of my car. So I am thinking that  
12 maybe I got caught in a cross-fire. Something went  
13 bad.  
14 I go over here to this Rainbow Store, I  
15 think it was -- I am not sure what, but there is  
16 about seven, eight, nine cops there. I said,  
17 officer, I was just shot at up here on the street, on  
18 Franklin Street. He said, go sit in the car. We  
19 will be right out. Did he ask me if I was shot?  
20 No. Did he ask me if I was okay? Nope. He asked me  
21 nothing. He just told me to go sit in the car. I am  
22 sitting in the car, I am there about fifteen, twenty  
23 minutes. A lot of police officers there. So I call  
24 Jen Miller, I said, would you police call the Reading

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1 Police Department and tell them that my car was just  
2 shot up and I really want to talk to a police  
3 officer. They still didn't come. So I got on my  
4 cell phone, I called. She said, sir, someone will be  
5 there to talk to you in just a little bit. Another  
6 fifteen minutes, twenty minutes went by, nobody came  
7 over. So I called Jen Miller again. And if you  
8 subpoena the records, the 911 or the Reading Police  
9 records shows the caller telling you I need to talk  
10 somebody.  
11 There is two women that come by and they  
12 say to me like this, what is the matter. I says,  
13 well, you got a pretty sick town here. I said  
14 someone just shot at my car and I don't know anybody  
15 on that street at all. And she said, I will never  
16 forget it, they are hating on you. Who? I don't  
17 know anybody. If you told me I got ten million  
18 dollars to name two men in Reading that I know, I  
19 wouldn't get the money. I don't know any men.  
20 So finally, --  
21 Q. I will stop you there for a second.  
22 Who are they saying is hating on you?  
23 A. That is just what they said. They hated on  
24 you. Whoever.

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1 Q. Whoever shot at you?  
2 A. The gangs or whoever.  
3 Q. Did you see anyone shoot?  
4 A. No. See, what happened. I wanted to say this  
5 here. When I was growing up -- earlier I wanted to  
6 say this. When I was growing up, I guess this is  
7 what Tenth or right here. There was a group of black  
8 guys sitting right here and when I went up they said,  
9 hey, yo, man, like that. I don't know you, I kept  
10 right on going. That is the only time I seen anybody  
11 standing out right here on this corner. Other than  
12 that, I didn't see anybody.  
13 Q. And they were on the corner of Tenth and --  
14 A. Tenth and --  
15 Q. -- Franklin?  
16 A. -- Franklin.  
17 Q. And where were the shots fired?  
18 A. Between Tenth and Eleventh.  
19 Q. Can you draw an X? That is Tenth Street, the  
20 next street?  
21 A. This is Tenth, and it happened either here,  
22 between here and here. I just -- I want to say it  
23 happened right here on Tenth, before you get to  
24 Tenth. Between Ninth and Tenth. I want to say

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1 that. I want to say that so bad and if your guys  
2 would have came and asked me, took information from  
3 me, told me anything what I knew, this girl -- here  
4 is -- I didn't think about this until after the  
5 incident. This girl Kerri said to me, don't ever,  
6 ever knock on this door.  
7 Q. Which door was that?  
8 A. Her apartment door. I said I have no need. I  
9 truly felt sorry for her. She needed money to get  
10 her kid out of Foster Care or whatever. I truly, I  
11 swear before God I felt sorry for her.  
12 Q. When did she tell you not to knock on her  
13 apartment door?  
14 A. The night that I met her, that I seen her when I  
15 dropped somebody off at the Sovereign Center. I  
16 swear before God as my witness, I was taking a right  
17 to go down the street, she walked right in front of  
18 my car. I said, hey. Yeah. I knew I knew who drove  
19 this car. So let me -- after I get down here --  
20 Q. Down to --  
21 A. Between.  
22 Q. -- Sixth and Penn?  
23 A. Fifth and Sixth and Penn. All -- there is a lot  
24 of police officers there. A lot. There must be

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1 maybe ten or twelve police officers there. And so I  
2 say to the police officer, listen. I said, I really  
3 need to talk to somebody and they don't come out,  
4 they don't come out, they don't come out.  
5 Q. Let me back up.  
6 When you pulled up, pulled your car up to  
7 Penn Street between Fifth and Sixth and you saw all  
8 the police cars, what were the police officers doing?  
9 A. They were in there talking to -- talking to the  
10 owner of the store about --  
11 Q. Of the Rainbow?  
12 A. Right. About a burglary.  
13 Q. What kind of store was it, do you know?  
14 A. Clothing store.  
15 Q. And this was at one-thirty in the morning?  
16 A. I am saying at one-thirty. Between one and  
17 one-thirty. Something like that.  
18 Q. And this was just a few minutes after you were  
19 shot at?  
20 A. Oh, yeah. And I went, cause I seen all these  
21 police cars. I am figuring, oh, well, I will go tell  
22 them I am shot. They are going to take precedent --  
23 there is so many police officers. I mean, there was  
24 a lot of police officers there. Must have been

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1 twelve, maybe thirteen. There was a lot.  
2 Q. And one of the officers came over and you told  
3 him somebody shot at you?  
4 A. No. I had to wait almost an hour for them to  
5 walk from here to maybe out where that opening is to  
6 that door.  
7 Q. But you said one officer told you to wait in  
8 your car.  
9 A. Right. When I went up there --

JASON ROMAN

10 Q. When you first went up?  
11 A. He said, go wait in your car. We will be over  
12 there in a minute.  
13 Q. But you knew that they were investigating a  
14 burglary?  
15 A. Yeah, but --  
16 Q. Is that what it was, a burglary?  
17 A. I guess. That is an assumption on my part.  
18 Q. Did you tell the officer that you were shot?  
19 A. Oh, yeah.  
20 Q. That your person was shot or you were shot at?  
21 A. No. I said my car was shot at with me in it.  
22 And then when the police officer got there, he said,  
23 oh, approached my car. He said, oh, this car isn't  
24 shot. I said, yes, it is, officer, cause the car is

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1 all black.  
2 So I get out of the car and I point to him  
3 in the back door where there is a bullet hole. And I  
4 said, and look at the windshield. There is two  
5 bullet holes where the windshield is at. He looks at  
6 the car, he comes back to me, he says, by this time  
7 he is joined by another police officer who is also  
8 looking at the bullet holes in the car. He goes like  
9 this. He says -- this is his words to me. This is  
10 what really offended me. He said you are one lucky  
11 son of a bitch. They were using your car as target  
12 practice. And I said, who is they? Who are they?  
13 To this day he never answered my question. Then he  
14 said, his partner came, the other officer came up and  
15 he says, were you in Reading earlier tonight. I  
16 said, no. He says we were chasing a black car just  
17 like that. I said, I am from Allentown. I was not  
18 here, I was in Allentown. I just got here  
19 approximately a half hour ago. He said, we chased a  
20 car like this. I don't know. So I come to later  
21 find out upon my own investigation there is a Puerto  
22 Rican guy has a car almost identical to mine because  
23 he said that the car ran a red light. That is what  
24 the officer told me. So then they said to me,

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1 someone will be in touch with you.  
2 Now, I got bullets all over my car. Here  
3 is what my concern was. Well, somebody maybe is  
4 going to impound the car, take the bullets out and  
5 see if somebody was killed because if you catch these  
6 assailants you are going to catch the killer or  
7 whoever shot or killed somebody else. I waited and I  
8 waited and I finally called the chief of police. I  
9 was furious. I said, listen. No one has ever  
10 investigated this crime. I got bullets stuck in my  
11 car, I am willing to give the car up so you can get  
12 the bullets and catch the people that may have killed  
13 somebody with the same weapon. The chief said, well,  
14 did any detective get ahold of you. I said no, sir.  
15 He said, well, somebody will be getting ahold of you  
16 in a couple of days. That was a year and a half  
17 ago. No one has ever, ever contacted me.  
18 So I on my own through the body shop took,  
19 because I had to make a report for my insurance  
20 company, took the bullets out. I still have the  
21 bullets. No police officer has ever came and asked  
22 for those bullets so they could run a test to see if  
23 the same bullets killed someone a week or two before  
24 because I got copies of all the killings. There was

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1 a killing on Tenth and Franklin. And nobody ever  
2 came and got those bullets and those bullets were in  
3 the back seat of my car. They went through the back  
4 door and if it wasn't for the Lexus being padded, no  
5 one will ever, ever tell me, and I really want you to  
6 quote me on this, that there is not a God. No one  
7 will ever, ever, ever tell me.  
8 I have black windows in my car and they  
9 are so black it wasn't for those black windows I  
10 don't think I would be sitting here right now. But  
11 the car was like, this is a car. I guess there had  
12 to be two shooters, one from this side, one from this  
13 side. The bullet went here and then the rear, the  
14 mirror, those two bullet holes in the mirror right  
15 here and there was a bullet lodged in here and I  
16 think you have that mirror, that piece, okay? And in  
17 the front there is two bullet holes. By all  
18 accounts, really the officer was right. I should  
19 have been dead. It hits the window, cracks the  
20 window and then goes some other place, the two

21 bullets do. When I think about this incident and it  
22 was just I think a couple days before Father's Day,  
23 when I think about this incident I get such chills  
24 it's unreal cause just one one-thousands of an inch

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1 centimeter I would not have been here. I would truly  
2 not have been here. That bullet would have went  
3 right into my chest, both of them. The ones on the  
4 side that caught the mirror was aimed at my head.  
5 And to think that no police officer ever asked me if  
6 I was okay, if I needed to see a doctor. To think  
7 that no police officer would not come and take the  
8 evidence and ask me to cooperate with their police  
9 department and track down not just the shooters but  
10 perhaps these killers that may have killed a man a  
11 week before maybe with the same gun, I don't know.  
12 But I do know, and I am not saying that  
13 the whole entire Reading Police Department is bad  
14 because Kyle -- Kyle, he was just shot in the neck  
15 and paralyzed. Kyle Bollinger, he is a Reading  
16 police officer. A man I love and respect very much.  
17 I knew his wife was an F.B.I. agent. Before she  
18 became an F.B.I. agent she used to sell me my  
19 billboards. She was a salesperson for Lamar  
20 Advertising Agency. A beautiful, beautiful human  
21 being. Bollinger, that is his name, Kyle Bollinger  
22 and in my mind Kyle Bollinger is one of the finest  
23 police officers in the entire United States. I cried  
24 when I found out that he got shot in the neck, down

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1 towards Phillips, because I cried because he treated  
2 me with such compassion when Stephanie his wife  
3 introduced me to him. He was one of the finest men  
4 and I talked to a couple of the Reading police  
5 officers since this incident. They all know Kyle  
6 because he was the police instructor.  
7 And I am telling you, I do not believe  
8 that every police officer in Reading is so lax and  
9 irresponsible in his duties, I don't believe that,  
10 but I believe that night that under that current  
11 police regime that things were in such disarray and  
12 complete chaos that I was just one more of the  
13 victims. A victim of this laxity because I know that  
14 I was so willing to cooperate with this police  
15 department, hire people, go out and root out these  
16 drug dealers, these people that ambush innocent  
17 people. And that is all it is, just terrorism. I  
18 could only imagine what it would be like for me to  
19 live on that street and I would have to be in at a  
20 certain time before getting killed. I can only  
21 imagine and that is where my anger and that is why I  
22 filed a suit because I feel that I was victimized by  
23 the shooters and then I was victimized by the police  
24 department who could have at least showed me a little

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1 decency, common courtesy and just asked me were you  
2 okay. Were you shot. Do you need a doctor. Those  
3 words never came to me, ever.  
4 And when the chief of police, the one that  
5 they just ousted up there. When he called me the  
6 only thing he said to me is, we will have a detective  
7 -- first he said, did the detectives talk to you. I  
8 said, no, sir, no one ever talked to me. In a couple  
9 of days someone will be there to talk to you. That  
10 never, ever happened.  
11 But the thing that has me angry is that it  
12 was just a couple days before Father's Day. I did  
13 nothing to nobody in Reading. I don't sell dope and  
14 if you look -- I don't have that. I do not have  
15 selling drugs. I am on record with the State Police,  
16 with the local police. I clearly say that if I run  
17 into a person that sells drugs and they are exposed  
18 to me I would just assume kill them. I have no use  
19 for them. And that sentiment is echoed in the fact  
20 that three years ago, my son Jason, he was just about  
21 eighteen, seventeen, eighteen years old laid upstairs  
22 on my bedroom floor, on his bedroom floor and legally  
23 he was dead and his girlfriend gave him heroin to  
24 snort. And then when he stood there, when he laid up

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1 in the hospital and they asked his girlfriend what  
2 did you give him, she said vitamins. No one in this  
3 whole state of Pennsylvania hates a drug dealer more  
4 than me, no one. I mean no one.  
5 My son had two tubes in his nose, one in



## JASON ROMAN

6 each one of his lungs that was breathing for him, one  
7 in his penis, one down his throat. I never seen so  
8 many tubes on one human being in my life. So when  
9 you talk about drug dealers and this -- I would have  
10 done most of the job for them. I swear before God.  
11 I needed a little backup, that is all I needed  
12 because I was going to -- I was determined to find  
13 out who the shooters were. Because what I found out  
14 later, that my car was confused for a drug lord's  
15 car, the Puerto Rican guy whose car is black. The  
16 windows are black, the yellow fog lights, the same as  
17 mine. The only difference is I have Lexani wheels,  
18 the real big wheel but at nighttime you can't tell if  
19 it's Lexani. He has a Saab. He had the stock Lexus  
20 wheels but they were chrome but at nighttime you  
21 would not look at the wheels, especially when it's  
22 raining. You are looking at the car. And the car is  
23 absolutely -- is a GS 400. He had -- it's  
24 identical.

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1 Since mine being shot up there, he left  
2 the area, that guy.  
3 Q. So you think the shooters were trying to hit  
4 him?  
5 A. Hit him and I was just a person that got caught  
6 up. And I think also that this girl Kathleen who I  
7 later found out is on drugs and this girl Kerri I  
8 then later found out she is on drugs, but I think  
9 that they are affiliated with drug dealers. That is  
10 what I believe.  
11 Q. Do you know Kathleen --  
12 A. I don't know Kathleen's last name. I can  
13 possibly find that out for you and supply it to you  
14 later.  
15 But this is why -- I mean, I am sorry. I  
16 am just extremely -- I am just bitter because I  
17 cannot stand drug dealers. And he knows, my son,  
18 Jason is like -- I raised him since seven years old.  
19 I wanted him to go to law school or to be a doctor.  
20 He was in the Service. Them drugs took him out of  
21 the Service. Last night I seen him. I said, hey,  
22 don't let me find out you are on that shit. Don't  
23 let me find that out. If you do because his little  
24 brother Justin came downstairs and knocked on my door

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1 and said, dad, Butch, we call him Butch, he says he  
2 is on the floor. He is on the floor and can't  
3 breathe. What do you mean he can't breathe. You  
4 know, you came to the hospital. You know. And the  
5 doctor from Philadelphia here, Doctor Kaufman who he  
6 is the head trauma unit doctor up there. He came to  
7 me and said, Jimmy, he said I did everything I can  
8 do. He said, the rest is up to God. And I swore  
9 then -- I don't know you from a can of paint but I  
10 swore then that when it comes to a drug dealer I will  
11 show no mercy. I will show none. And these scum,  
12 and that is what I call them, these scum of Reading  
13 killing little kids, they are scum.  
14 Q. The drug dealers?  
15 A. Oh, my God.  
16 Q. Is that who you mean?  
17 A. Yes. Not talking about the police officers.  
18 These guys, they run Reading. Literally, they run  
19 Reading and it wasn't until there was newspaper --  
20 the people began to march against them and forced the  
21 police department to earn their pay. I think I sent  
22 you some of the newspaper clippings.  
23 Q. I don't think so.  
24 A. Yeah. I am almost sure I put them as exhibits.

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1 THE WITNESS: Did you? The  
2 little kid, eleven years old laying in a  
3 coffin. He was caught and shot in the  
4 cross-fire. Little kid six years old  
5 caught in the cross-fire and drug  
6 dealers.

7 MR. ANTHONY: The papers are in  
8 the files. We can show you.

9 THE WITNESS: This is a thing  
10 -- honestly, I am not saying that every  
11 police officer in Reading is no good.  
12 That is not true. That is not what I am  
13 saying. Just those who were responsible  
14 that didn't help me catch people that I  
15 feel killed other people.

16 BY MS. FULTON:

17 Q. So the two officers, is that who you mean, the  
18 two officers that you spoke with that night?  
19 A. They have treated me nice. They treated me nice  
20 but they never asked me if I needed help.  
21 Q. So they didn't mistreat you?  
22 A. No. No.  
23 Q. Did you get their names?  
24 A. No. They gave me a card. I got one of their

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1 cards.  
2 Q. Do you still have it with you?  
3 A. I will have to find it.  
4 Q. Okay.  
5 A. But I will.  
6 But, you know, please understand something  
7 and I want to tell you something. Can I go off the  
8 record for a minute, please?  
9 Q. If it deals with the case we should get it on  
10 the record.  
11 A. No, it doesn't. I will tell you later.  
12 Q. Okay.  
13 A. No. But, yes, I am just very hostile. I mean,  
14 there was just no need. My God, it is like two days  
15 and I am there trying to do another human being a  
16 favor. I have no interest in this girl sexually, I  
17 have no interest in no way, shape or form or  
18 fashion. I drove down to Reading that night strictly  
19 for one reason and that was to give her a job.  
20 Q. You mean Kerri?  
21 A. Yes.  
22 Q. What would she have done? Was she going to be a  
23 dancer?  
24 A. Yes

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1 Q. At the club?  
2 A. I assumed -- what is your first name again?  
3 Q. Janelle.  
4 A. Janelle. I assumed, Janelle, that she was  
5 walking the streets because she walked right in front  
6 of my car. I said, woa. And she walked, she went  
7 right up to the driver's side window and all the  
8 windows are black. I knew I knew who owned this  
9 car. It's a pretty car. And I says, what are you  
10 doing out here. She said, well, they took my kids  
11 away -- my kid away and I got to make money. She  
12 never said she was selling her ass. She said that to  
13 me. I said, well -- I try to respect. I really try  
14 to respect everybody. I said, well, listen, you  
15 don't have to be out here like this here. Why don't  
16 you come back and be a dancer. Even if you make a  
17 buck fifty a night it will be better than being  
18 here. You won't go to jail, you will get your  
19 child. I said, where do you live at? She turned  
20 around and pointed right to the spot right here.  
21 This is where -- I was turning here, I was turning  
22 right here and my car, she walked right in front of  
23 my car right there. And she pointed -- no, right  
24 here. She pointed to that. She said, don't ever

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1 stop here. And I said -- and here is the thing. I  
2 have not heard from this girl. I swear to God, not  
3 heard. I haven't heard from Kathleen.  
4 Q. And Kerri told you about Kathleen? She said  
5 Kathleen may want a job as a dancer too?  
6 A. Kathleen was working down there too.  
7 Q. So you knew Kathleen from before?  
8 A. Yes.  
9 Q. Working at Good Fellows?  
10 A. Wasn't working at Good Fellows, she worked when  
11 it was DJ Knockers.  
12 Q. DJ Knockers. Okay.  
13 A. And I could -- I had a talk with Richard and  
14 Jennifer Miller. I talked to both of them and said,  
15 listen, there is a girl, I believe that she could be  
16 working the streets. Won't you please let her have a  
17 job. And when I told Jennifer who, she said, yeah,  
18 she can work back here. Because I know better, her  
19 friend Angie who is a Puerto Rican girl, I know Angie  
20 better than I know this girl. See, Angie was the one  
21 that brought this girl Kerri down in the beginning.  
22 See, but I just -- when I think about what happened  
23 to me that night and nobody, nobody, I swear to God,  
24 nobody -- I still have the bullets.



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1 Q. How many bullets are there?  
2 A. Two or three. Two or three and one of the  
3 bullets -- the one that came out of the back seat,  
4 that is a better thing. I need them to check and see  
5 if somebody was killed with that bullet.  
6 Then as fate would have it, I run into  
7 this girl, her name is Baby and she says to me, she  
8 didn't know who I was. She says, my family -- I gave  
9 her and her friend a ride. She says, my family used  
10 to run Tenth and Eleventh on Franklin. They are drug  
11 dealers. I said, really. She said, yeah. I knew  
12 then that I was going to find out who shot my car up.  
13 Q. When did you meet Baby?  
14 A. About ten months ago, a year ago.  
15 Q. Where did you meet her, in Reading?  
16 A. Yeah, but I am trying to think. Where the heck  
17 did I meet her at. It wasn't down in that area.  
18 Nowhere near that area. Trying to think where I met  
19 her at. God. No, I am wrong. I am sorry. Now I  
20 remember. She was dancing down when it was Las  
21 Chicas. The bar was Las Chicas.  
22 Q. Was that while you owned it, owned the property?  
23 A. I owned the property but it was down at Las  
24 Chicas.

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1 Q. When was it Las Chicas?  
2 THE WITNESS: When was that,  
3 Tom, two years ago?  
4 MR. ANTHONY: About that.  
5 THE WITNESS: That is when  
6 Randy Szulimowski owned it. And so what  
7 happened was, she needed a ride back to  
8 Reading.  
9 BY MS. FULTON:  
10 Q. Baby did?  
11 A. Baby, and I gave her a ride back and that is  
12 when I asked her about, because I don't know. I  
13 really don't know Reading. I don't know the hot  
14 spots. And I said, when I took her to -- she said to  
15 me, I live on Tenth Street. I said, oh, I can't go  
16 to Tenth Street. I don't go nowhere near Tenth  
17 Street. So at that time I had two vehicles. So I go  
18 home and I take the car and I take my truck. So I  
19 drive her and I says, is it around Tenth and  
20 Franklin? She said, no, I live out by the school. I  
21 don't know the school. I said, how far is that from  
22 Tenth and Franklin? She said, that is about eight,  
23 nine blocks. I said, okay. Can we get there without  
24 going across Franklin Street. She says, sure. I

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1 will take you the way. She took me straight down  
2 Fifth Street and then I turned where I bypassed them  
3 to Franklin.  
4 So I am asking her questions. I said, in  
5 that area is a pretty hot spot for drugs. She said,  
6 yeah. My family used to control that before I got  
7 busted.  
8 Q. I said, really. I said, what did you control.  
9 We controlled from I think it was Ninth and Eleventh  
10 or Tenth and Eleventh, they are long blocks. And she  
11 said, we would have shutouts but I didn't want to  
12 press her too much. I did not want to press her  
13 because I had no way of getting, getting backup, you  
14 know, once I knew but I think I can to this day I can  
15 get it out of her. I know because she knows  
16 everybody over there.  
17 Q. Do you know Baby's last name?  
18 A. No, I don't.  
19 Q. Does she still work at the club?  
20 A. No. No. I can find out, you know. I will find  
21 out. I will find out, because there is a girl named  
22 Margarita. Margarita is Kathleen's friend.  
23 Margarita is Puerto Rican and Margarita never danced,  
24 she would only waitress or tend bar down at Las

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1 Chicas. Margarita, when I told Margarita what  
2 happened this was her words to me. She said, Jimmy,  
3 why would you want to help Kathleen. She is one of  
4 the biggest pigs in Reading. I said, Margarita, I  
5 don't know these things. I only know when people ask  
6 me about a job and I talk to Jen or Mandy and they  
7 say yes or no and I will give them a ride. She said,  
8 I told you before this girl is no good. I said, but  
9 I don't pay attention because I don't have -- see, I  
10 don't have the contact. You would think that having

11 contact with strippers it's a sexual thing. Not for  
12 me. It is just, I always see the children, you know,  
13 like if a girl has children but Kathleen didn't have  
14 no children. She is just a regular person, but I  
15 felt sorry for her -- yes, she did. She had a  
16 daughter. She had a daughter and I swear before God,  
17 she used to come and cry. She would cry and tell me  
18 her grandmother had her daughter and she asked me, we  
19 get her in here, I will get the last name and  
20 everything. Get your hands on her, we will take her  
21 deposition. She used to tell me, she would tell me  
22 about -- asking me to help her go to Court to get her  
23 kid back. Other than that, I just -- I don't have  
24 the affiliation with these people that one might

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1 think. If you tell me -- like the one girl had lost  
2 her kid, that Kerri girl. She told me -- I said,  
3 what are you doing here. She said -- because I swear  
4 to God, she flagged me down. I don't know. I am  
5 just trying to get back to where I got to go. And  
6 she told me. She says, I lost my kid. My kid is  
7 with my mother. I said, really. She said, yeah.  
8 The Children and Youth, whoever, took her kid away.  
9 I said, what do you need. She says, I need one  
10 hundred dollars for a room. I swear to God. I swear  
11 before God. This is what she said. She said, I need  
12 one hundred dollars for a room. Okay. Go to work.  
13 Don't be out here like this.  
14 Now, she was either doing one or two  
15 things: Selling her ass or selling drugs. One of  
16 the two she was doing but that is too much  
17 information for me. I don't ask questions about  
18 people and their activities because I always find the  
19 least you know the better off you are. If she wanted  
20 me to know she would have told me. She never told me  
21 what she was doing out there.  
22 But that is why I filed this lawsuit. No  
23 one ever asked me if I was okay, if I needed a  
24 doctor. Only reward I got for going to the police

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1 was, you are one lucky son of a bitch. And I looked  
2 at him, and they used your car for target practice.  
3 Who? I never felt so humiliated in all my life.  
4 Here we have ten, maybe fifteen police officers and  
5 they have them dogs. They had them dogs, rararara,  
6 the dogs barking all over the place. No one ever  
7 showed one single ounce of concern for me. Noted, I  
8 had my brushes with the law, I served my time. They  
9 did not know that at the time. And if it was you, if  
10 it was you and your family the way we went to the  
11 Sovereign Center to see an event with some person  
12 that went to school with you or whatever, would you  
13 like to have been shot at with your children or if it  
14 is some Judge with his son going down there and drive  
15 down there. Knock down the trees. They used to have  
16 them shooters like that in Allentown. They took down  
17 the ambush places. Take the trees down because you  
18 are helping them hide. Put the brighter lights on  
19 the street. How much does it cost for a brighter  
20 bulb? How much does it cost because the blacks that  
21 I saw, they were black like that right here. I  
22 couldn't tell you their faces but I knew they were  
23 that dark. I seen them and it's drizzling. Yo,  
24 baby, yo. Don't yo me, I don't know you. Kept on

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1 going, but that is the reason why I brought this suit  
2 and basically so that in the future other people,  
3 people who really mean good to help don't be treated  
4 so harshly and so inhumanely. That is my whole thing  
5 here. You know and that's the honest God's truth.  
6 Q. When you say they treated you inhumanely, what  
7 do you mean by that?  
8 A. Well, you know, I was like, you know, here I am  
9 just -- my car shot up. I just by fractions of one  
10 one-thousands of an inch. I am here, I almost was  
11 not here. I was almost not here. What would I have  
12 to have been, a white man to get equal treatment? I  
13 don't know if it's a rational issue but I do know  
14 that I am a person of color and I do know that I was  
15 not treated with the same respect of concern? I just  
16 was not treated that way. It was no big deal. It  
17 was nothing to these people.  
18 I mean, here you got -- I am telling you,  
19 I swear to God, I wish I would have counted how many  
20 police officers are there. I felt safe with that  
21 many police officers, but let me tell you something,

22 they had them German shepherd dogs, they had the dog  
23 wagon thing from here -- I am not even a quarter of a  
24 block away and maybe twenty-five feet away I am the

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1 most from these police officers and no one, no one  
2 could come out there and say, hey, buddy, you need a  
3 doctor. Hey, buddy, you all right.  
4 Q. When you spoke to the officers initially, when  
5 you first approached them, were you in your car or --  
6 A. No. I walked right into -- I walked right into  
7 the store.  
8 Q. Into the store.  
9 A. The thing was open and there was a police  
10 officer getting ready to walk in and I said there was  
11 eight or nine inside with those dogs. And I said, I  
12 said to the officer that was walking in, I said,  
13 officer, just a minute. I said, can I speak to  
14 somebody over here, please, a second. I said, I was  
15 just shot at in my car. And he said, well, can you  
16 wait outside. He says, somebody will be there to  
17 talk to you in a few minutes and a few minutes turned  
18 into almost an hour.  
19 Q. Just so I get all the information down  
20 accurately and I am going to use your Complaint as a  
21 guide.  
22 In paragraph 37 A, you said that when you  
23 first approached the police officers there were six  
24 or seven police cars investigating a burglary on Penn

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1 Street and there were also police dogs present. And  
2 when you approached these police officers to report a  
3 shooting or a violent crime, you were told by a white  
4 police officer that you should go outside and someone  
5 would be with you in a few minutes; is that correct?  
6 A. That is correct.  
7 Q. And in 37 B it says that you followed the police  
8 officer's instruction and you went outside and waited  
9 in your car for about fifteen minutes.  
10 A. Right.  
11 Q. But it became apparent to you that no police  
12 officer was coming to talk to you.  
13 A. True.  
14 Q. And so the officer told you to go outside. You  
15 did. You waited fifteen minutes.  
16 And in paragraph C it says, after you  
17 waited for fifteen minutes you called Reading 911.  
18 A. Uh-huh.  
19 Q. And did you speak with a dispatcher?  
20 A. Yeah. It was a woman.  
21 Q. Woman.  
22 And you told her where you were?  
23 A. Yeah.  
24 Q. After that call you waited ten more minutes and

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1 there was still no police officer.  
2 So now it's a total of twenty-five  
3 minutes; is that correct?  
4 A. Something like that. Yeah. See, we would have  
5 to get to be really on point, I would have to have  
6 Tom subpoena the 911 records. They will reflect  
7 everything I am saying to you with accuracy.  
8 Q. And then after that, after the ten more minutes  
9 or so past you called your friend Jennifer Miller.  
10 A. Yes.  
11 Q. And asked her to call 911.  
12 A. Uh-huh.  
13 Q. And then a police car was dispatched in response  
14 to Ms. Miller's call?  
15 A. No.  
16 Q. Okay.  
17 A. She called several times and I kept calling her  
18 back, what is going on. I said, Jen, there is  
19 twenty-five feet away from me there is about six or  
20 seven police cars. There is police dogs. Tell them  
21 that I am right next to the burglary. She called  
22 back, nobody got there yet. Nobody got there yet.  
23 When the officer did come it was just like...  
24 Q. Does Jennifer Miller live in Reading?

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1 A. No. She was in Allentown when I called.  
2 Q. So she called 911 for you twice according to the  
3 Complaint?  
4 A. Two or three times.  
5 Q. And then after the officers finished

6 investigating the burglary they came over to speak  
7 with you?

8 A. Two of them did.

9 Q. Two of them did.

10 How long did you talk to the police  
11 officers?

12 A. No more than fifteen minutes, but it wasn't --  
13 here is the problem. My God. No one ever did  
14 anything discerning this crime. There was nothing  
15 done. Nothing other than the fact that he said, you  
16 are one lucky son of a bitch. He never asked me who  
17 I thought it was, he never asked me what I was doing  
18 in Reading. You know, I said, listen, I am a  
19 businessman. I really don't know anybody here that  
20 would justify me being shot up or shot at like this.  
21 He said, well, they are using your car for target  
22 practice. And I looked at him and I don't know, he  
23 never said who.

24 MS. FULTON: I am going to mark

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1 this two-page document as Exhibit 1.  
2 This is a copy of the police report and I  
3 have one for your lawyer.

4  
5 (Whereupon, Exhibit-1, Reading  
6 Police Department Crime Investigation  
7 Report, for Defendant was marked for  
8 identification.)  
9

10 BY MS. FULTON:

11 Q. Have you ever seen a copy of the police report?

12 A. No. This is the first I have seen it.

13 Q. They gave you an incident number?

14 A. They may have. It's on the card.

15 Q. On the second page, the second line down, it's  
16 under Narrative. It says: Friday, 06/14/02, 0216  
17 HRS, indicating the time of the report.

18 And it says that, Jason Roman reported  
19 that on this day that at approximately 0130 HRS, he  
20 was, to paraphrase, shot at.

21 Do you think the time is accurate on the  
22 police report, about 2:15?

23 A. I don't know. I was so shaken up that night I  
24 honestly -- it could have been. What time did he

Page 101

1 say?

2 Q. About 2:15, 2:16 a.m.

3 A. Oh, I was there waiting a long time for the  
4 police officers to come by.

5 Q. Could it have been forty-five minutes?

6 A. Oh, yeah. Every bit of forty-five minutes.

7 Q. And before I forget, I am also going to mark.  
8 Can you pass me the drawing you made?

9 MS. FULTON: I will attach that  
10 as an Exhibit 2.

11  
12 (Whereupon, Exhibit-2, Drawing, for  
13 Defendant was marked for identification.)  
14

15 THE WITNESS: Let me ask you  
16 this. What does he mean, "estimate of  
17 damage is approximately one thousand  
18 dollars". What is that?

19 BY MS. FULTON:

20 Q. I believe that is based on their review of the  
21 damage to the bullet holes.

22 A. No, no. He only -- he really looked at the rear  
23 door and I showed him the two, the two in the window,  
24 the two bullet holes in the window. I don't know.

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1 He doesn't talk about -- okay. Windshield. See, at  
2 that time I didn't know anything. I didn't even  
3 realize the bullet holes in the mirror.

4 Q. Okay.

5 You didn't see it that night?

6 A. No. He remarked. He didn't put down what he  
7 said in here.

8 Q. Do you still have the Lexus?

9 A. No. It's gone. Somebody stole it.

10 Q. But you do have the bullets.

11 Somebody stole the car in Allentown?

12 A. Yeah.

13 Q. In Allentown?

14 A. Yeah. See, my kid, he was driving it. I think  
15 he left the keys on the -- in his friend's house. I  
16 think they took the keys and came back later and



17 drove the car off.  
18 **Q. So you sort of suggested that you think the two**  
19 **police officers you spoke with treated you**  
20 **differently than they would have treated someone**  
21 **else?**  
22 A. Oh, absolutely.  
23 **Q. Another victim?**  
24 A. Absolutely. They were friendly, don't get me

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1 wrong. They were not hostile. They were not  
2 disrespectful to the degree that they talked badly to  
3 me other than they talked to me in an insulting  
4 fashion. Like -- like I said in the Complaint, most  
5 police officers if you look at the car you will  
6 think, oh, drug dealer. Oh, pimp. Because the way  
7 the car is situated, dark windows, black, fancy  
8 wheels, but I wished they would have talked to me and  
9 found out. And I told him, I said, listen, I have a  
10 strip club down in Allentown. I was here to pick up  
11 a would be dancer.

12 The only way I can put it is, imagine if  
13 your car was shot up and you did nothing to nobody  
14 because you don't know anybody in that town except a  
15 few dancers. And a police officer who you think is  
16 there to protect the servant would want to find out  
17 for the sake of the community and the victim being  
18 yourself, how would you feel if all they say to you,  
19 you are one lucky son of a bitch. And they said,  
20 well, they are using your car for target practice,  
21 then they take off.

22 **Q. Did they say anything else to you?**

23 A. No.

24 **Q. You told them why you were there in Reading**

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1 **thought?**

2 A. Absolutely. Absolutely told them.

3 **Q. Did you tell them that you didn't see the**  
4 **assailants?**

5 A. No, I didn't see -- yeah, I told them that.

6 **Q. You told them that?**

7 A. I said, oh, I can hear it. I did not know I was  
8 being shot at. It was like pop, pop, pop, pop, pop,  
9 pop. Sounded like little firecrackers. Those little  
10 tiny ones, papapapapapap. You wouldn't have the  
11 personal experience to understand what I am talking  
12 about. It's a misty rain and you are driving up  
13 there and you are tired. You really -- you are on  
14 your last go around because you feel that people lied  
15 to you about, you know, wanting a job. So what did  
16 it tell me about that girl Kerri? It told me that  
17 maybe her mind, maybe she is on drugs. I know that  
18 that night I really did want to see Kerri. I really  
19 wanted the police to investigate this girl. I really  
20 wanted them to find her. And that is the other  
21 reason why, because since that incident I have not  
22 heard from her ever.

23 **Q. Do you think the --**

24 A. I think she knows who shot my car. Be very

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1 blunt.

2 **Q. What makes you think that?**

3 A. She never called. If you tell me to come pick  
4 you up, she pleaded with me when she stepped -- I  
5 want to try to get my child back. Okay. Fine.

6 **Q. Have you tried to contact her since that night?**

7 A. No. No. No, because I just -- I said to the  
8 people that know about this situation to Thomas, it  
9 is strange. I was waiting for her to call me.

10 **Q. Do you think the police officers treated you**  
11 **differently because you are a person of color or do**  
12 **you think it's because they thought you were a drug**  
13 **dealer or a pimp because I want to be --**

14 A. Well --

15 **Q. I want to be clear because you said a couple of**  
16 **things.**

17 A. I think it's a combination of the two. I really  
18 truly -- I truly, truly believe that. I believe that  
19 my -- if I would have been -- I guarantee you, if it  
20 would have been you in that car shot up that way I  
21 don't think they would have said to you that you are  
22 one lucky son of a bitch and that somebody will be in  
23 touch with you. It was handled like it was just  
24 business as usual. Your car was shot up, get in and

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1 go home. That isn't how I do business.

2 **Q. So what do you think they would have done**  
3 **differently had it been --**

4 A. I would have called -- you know, a good police  
5 officer would have called the detectives and said,  
6 listen. We just got a guy that was shot up here.  
7 His car was shot up. Why don't you come down and  
8 talk to him or why don't we send him down to  
9 headquarters and you talk to him and see if there is  
10 any evidence that we can collect from the vehicle.

11 **Q. Do you think they would have done that if you**  
12 **were white?**

13 A. Oh, absolutely.

14 **Q. What makes you think that?**

15 A. Well, I don't know of any white person in  
16 Reading being treated like this. I don't know that.

17 **Q. How many white people do you know in Reading?**

18 A. Very few. But I do -- there is a reporter up  
19 there that if I was the terminator saying how many  
20 white attorneys -- and I will get that information, I  
21 will get them statistics and I will bet you it's  
22 going to be zero.

23 **Q. Who were shot?**

24 A. Shot at.

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1 **Q. By the drug dealers?**

2 A. I don't know.

3 **Q. Or gangs or whoever?**

4 A. I don't know this. They were --

5 **Q. Not shot at by the police?**

6 A. Not by the police. But, you know, I don't  
7 know. I don't expect you possibly to understand, I  
8 don't, because you are representing your clients and  
9 you will do the best of your ability. I understand  
10 that and I don't hold nothing, not one iota of  
11 disrespect for you. Not one, but I want you to  
12 understand what it feels like to be a person of  
13 color, to be a person that has been victimized by the  
14 system, to be a person that has been in and out of  
15 trouble all of his life because of a lack of funds,  
16 because of probably -- and to be doing okay, not  
17 great, but to be doing okay and to be thinking I  
18 don't have to be out here hustling and hustling. And  
19 that, just -- I never hustled in drugs but I never  
20 had to be a part of, you know, shooting crap and  
21 these things. I have thought for the most part my  
22 life was taking a turn for a positive direction. I  
23 thought for the most part that me helping another  
24 human being. I didn't see her as a stripper, I

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1 didn't see her as a drug dealer. She is a white  
2 girl. I saw her as a human being that needed help.

3 I didn't want to have sex with her. I don't know  
4 what she looks. I have never seen her with her  
5 clothes off as a dancer because I was never in the  
6 bar. I only seen her with her clothes on but I knew  
7 I had a good heart and I just wanted to help people  
8 because when I help people, this is what I say, you  
9 quote me on this, when they go to pay me back I say  
10 don't give it back to me, just help somebody else the  
11 way I helped you and keep the gift moving. And that  
12 is where I was at.

13 So please try to understand I am being  
14 thorough and I sat here at length and I told you the  
15 things. I am ashamed of my past but I don't run from  
16 my past. You asked me and I will tell you honestly,  
17 honestly, honestly, honestly, and it's the truth. I  
18 have not lied not one iota, to the best of my memory  
19 but I think that I was within one one-thousands of an  
20 inch from not seeing my children.

21 And Tom can tell you. My little girls are  
22 absolutely gorgeous. They could probably go into  
23 Hollywood tomorrow. Armani, she has this little  
24 pecan tan, her hair is sandy color but the tips are

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1 as blond as blond. So blond. Her eyes are green and  
2 her eyelashes are that long. Giavanna, every time  
3 they see her, people follow her around the store.  
4 Fascinated with her. Her beauty and the only reason  
5 I think that I live is for my children. That is what  
6 I think I live for, so that I can get them through.  
7 And I teach those little girls, I tell them,  
8 honestly. I said, down there you never let a man  
9 touch you there. You understand you never let a man  
10 touch you there. I drill that in their head every  
11 day or every once a week. Don't you do that. Those  
12 little girls playing with little boys and I just want



13 to make them strong.

14 And you know what, I think it is a bunch  
15 of BS when people say that a mother can't raise a  
16 little boy. A mother can raise a little boy one  
17 thousand times better than any man can ever. If you  
18 take Shaceida O'Neil and Dennis Rodman, Dion Sanders  
19 were raised by the mothers. They came on to be  
20 basketball greats. Michael Jordan, raised by the  
21 mother. The list goes on and on and on.

22 So I think on the other side of that coin,  
23 father's do a better job with little girls than  
24 mothers do because they develop some of the

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1 callousness of a man and they begin to know the ways  
2 of a man. So that when a man approaches them they  
3 are not emotional. That is what I believe. That is  
4 what my experience has been.

5 Q. What did you do that night after you finished  
6 speaking with the police officers?

7 A. I went home. I went right home and we took  
8 pictures of the car. We took a videotape of the car.

9 Q. You still have copies of those?

10 A. Yeah. I will give you that. You can have  
11 that. Even the insurance company took it. Even the  
12 insurance guy said to me, we don't understand why the  
13 police didn't come and get those bullets. They held  
14 the car. They held waiting for the police.

15 Q. What is the name of your insurance company?

16 A. Oh, God. What is that? Progressive.

17 Q. Do you have a copy of your policy or your agent?

18 A. God, I can get it. I don't have it. They took  
19 -- they took a CD thing. I will give you copies of  
20 all that. I just got to get it.

21 Q. You have digital photographs they took of the  
22 car?

23 A. Yeah. It was in a disk and if I don't have the  
24 equipment to do it I will give it to you and return

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1 it to me.

2 Q. We can do that.

3 A. And then, you know, what I wanted to tell you  
4 before, this is true.

5 I have a niece who is going to school to  
6 be a psychologist. Her brother is a state trooper  
7 down here in Philadelphia. The only difference  
8 between you and her is her hair is a little bit  
9 blonder but the two of you are almost identical and  
10 your physical makeup. That is why I feel comfortable  
11 with you.

12 MS. FULTON: Off the record.

13 (Whereupon, a discussion was held  
14 off the record.)

15 (Proceedings were reconvened with  
16 all counsel and the witness being  
17 present.)

18 BY MS. FULTON:

19 Q. Let me ask the question this way.

20 Did you sustain any injuries as a result  
21 of your encounter with the Reading Police Department?

22 A. Just my nerves just were so shattered. I  
23 developed paranoia. You don't know how much  
24 paranoia. I went up to Doctor -- Doctor Daley and we

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1 talked about this and we talked about it. And I  
2 said, doctor, I said, just aggravation, frustration,  
3 you know. Were there physical injuries? No.  
4 Mental? Yes.

5 Q. And were those mental injuries caused by the  
6 police officers or by the shooting?

7 A. Both. There is so much frustration, honestly.  
8 Just frustration, anger, anger, anger, anger. You  
9 got to just try to imagine, you're within one  
10 one-thousands of an inch from not ever being there,  
11 not ever seeing my little girls ever again and for  
12 what.

13 Q. I understand.

14 And that was not caused by the police,  
15 right?

16 A. No. I never alleged that.

17 Q. Okay.

18 What injuries did the police cause to you?

19 A. Mental anguish. Just totally not treating me  
20 well. Not treating me good. Making me feel like I  
21 was less -- that the drug dealers or whoever was  
22 shooting at me, it seems like they gave them more  
23 respect than they gave me.

24 Q. Did you receive any treatment?

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1 A. Oh, yeah.

2 Q. As a result --

3 A. Counseling. I went to get counseling from  
4 Doctor Daley.

5 Q. Was Doctor Daley's counseling after this  
6 incident different from his counseling to you before  
7 this incident?

8 A. Oh, yeah. He tried to steer me in a way from  
9 harboring bad thoughts. He said, well, you know, he  
10 didn't -- he didn't say, oh, bad, bad police  
11 officer. No, he didn't do that. He said, maybe they  
12 were -- you know, just bogged down with what they  
13 were doing. He offered me different options.

14 Q. And what do you think of those options?

15 A. They could be justified. I don't know. But  
16 personally, this is what I personally see because  
17 Doctor Daley doesn't really know. I think that the  
18 police morale in Reading was so poor I was just  
19 caught up in the middle of it. I really do.

20 I think that when I read the newspaper  
21 articles that the then Chief of Police was just not  
22 caring about the poor people.

23 Q. What was the Chief's name at the time?

24 A. I can't remember, but they got rid of him or

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1 they reduced him in rank. There is something that  
2 they did and I just, honestly, I just think the  
3 morale of the Reading Police Department was so low  
4 that I was the victim of that low morale.

5 Q. And just so I am clear, what do you base your  
6 opinion that the morale was low on?

7 A. Just the newspaper articles and the fact that  
8 the cops were just so lackadaisical. They didn't  
9 investigate anything. Nothing, nothing.

10 Q. About your incident?

11 A. Right, and that the people to me, that the  
12 people in Reading were absolutely being terrorized.  
13 And what I say, the low morale, if it was a normal  
14 police officer, if there is a shooting -- I was shot  
15 one time and I went to the hospital. You know, cops  
16 were in that hospital asking me what happened, who  
17 shot you, how they asked me. Ninety million  
18 questions. This did not happen. That is a thorough  
19 police department. I lied to the police officer. I  
20 said, well, I shot myself and it later became -- he  
21 went to school with me, John Border. He said to me,  
22 he said, Jimmy, we went to high school together,  
23 junior high. He says, bullshit. You didn't shoot  
24 yourself. You just don't want to tell who shot you.

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1 He knew right away, John. He knew right away that I  
2 was lying, but my life -- I think -- I am old enough,  
3 fifty-nine years old, I don't have the hostilities  
4 that other people have towards police officers. I  
5 don't have any animosity but I feel that I am  
6 justified in how I think and feel, how those  
7 particular officers treated me and it was a reflex on  
8 the whole police department. And I could only  
9 imagine what it's like for those other people to live  
10 in the shootings and shootings day in and night  
11 because I know now because I know how you treat it.  
12 No one has to tell me.

13 But here I am sitting here with these  
14 bullets to this day. To this very day, this hour,  
15 this second, no one has ever asked me for those  
16 bullets. How would you feel? So is that concern?  
17 Do you think that is concern? Do you think that is  
18 fair as a police department? Do you think that is  
19 what is fair to the taxpayers of Pennsylvania is to  
20 look forward to when they, themselves, became a  
21 victim of a violent crime or of a violent act, an act  
22 of murder, attempted murder toward them? No, I don't  
23 think I should have to be made to feel like that. No  
24 human being. No human being. I don't care if you

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1 was in jail ten times, doesn't matter. You don't  
2 know -- no one has a right to be treated less than a  
3 human being or like they were not even a citizen of  
4 this country. Nobody has a right to be treated that  
5 way. And I think that in all honesty that the least  
6 you could have done, make me feel good. Just ask me,  
7 hey, are you okay, buddy. Are you sure. You need to  
8 go to a doctor. Let me take you to a hospital, check

9 you out.

10 Q. And if they had done that?

11 A. I probably would have never felt so badly.

12 Q. Then you wouldn't have filed a lawsuit?

13 A. I don't know that that is true. I am pretty  
14 much an honest person. I don't know if that is true  
15 but I know that the streets of Reading have to be  
16 made safer. And when I see all those trees on

17 Franklin Street, I did not know what Franklin Street  
18 was, and I swear before God, I did not know it was a  
19 place for drug dealers and hookers. I did not know.

20 Q. Why did you call the editor of the Reading Eagle  
21 after this incident?

22 A. Because of the way I was treated. Because of  
23 the way I was treated. They wanted to do my picture  
24 in the paper. They wanted me to talk bad about

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1 Reading. I can't do that. I can only talk bad about  
2 what I experienced. I can only imagine how difficult  
3 it is for those other people that live in that drug  
4 infested violent area.

5 Q. So the editor of the Reading Eagle wanted to do  
6 an article --

7 A. They wanted to put a picture of me on  
8 television. I said I can't do that. They wanted to  
9 take a picture of the car, a picture of me standing  
10 next to the car. Oh, they wanted to do a real big  
11 story on it. Oh, I felt then I was going to be used  
12 against the Reading Police Department and there was  
13 no way I was going to do that. Because, as I said,  
14 Kyle Bollinger is as fine a Reading police officer  
15 that I have ever met, really. I was not going to let  
16 me be used to take down the Reading Police Department  
17 so the Reading Eagle can sell newspapers. That was  
18 not going to happen. They called me fifty times.  
19 Well, we want to do a story. We want to show how the  
20 tax dollars work, blah, blah, and it could be some  
21 lawyer or some doctor, some businessman downtown and  
22 what is it going to take, one of these people to get  
23 killed or one of their kids to get killed. They had  
24 it all hyped up and ready to go. I turned them

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1 down. I want you to know that. I want you to know  
2 that and if I really had animosity really towards the  
3 police department, I had a form and I had contacts to  
4 talk to other people. I could have conjured up a lot  
5 of stuff. I think I handled it pretty good  
6 considering how mad I was for what happened to me.  
7 Really.

8 And I am going to say this again and  
9 again, and I will say this to the day I die.  
10 Whatever I did in my past, I did in my past, but even  
11 those that died with Jesus on the cross were treated  
12 respectfully. And I felt that I, too, was minding my  
13 own business. Remember, bear in mind, I was not  
14 there to recruit anybody. I was not cruising around  
15 Reading. I went there to do a good, kind, decent act  
16 for another human being. That is what I did and in  
17 return and I said to myself, God, what did I do to  
18 deserve all these bullet holes. What did I do, so I  
19 left.

20 And I don't -- and, no, I don't -- I can't  
21 tell you enough times, I don't hate the Reading  
22 Police Department. Please, please believe that.  
23 Those police officers, for whatever it is worth, when  
24 they came up to me, I just -- I am telling you, I can

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1 understand the morale being low. They were not  
2 interested in focusing on a crime. Just that this is  
3 like, ha, ha. They seen so much of it. You are only  
4 as good as your leader. You are only as good as your  
5 captain. That is all.

6 Q. You said in the Complaint that you called the  
7 Chief of Police and he called you back a few days  
8 later?

9 A. Yes, he did.

10 Q. You don't know his name?

11 A. Honestly, I don't.

12 Q. And he spoke to you on the phone?

13 A. He spoke with me on the phone.

14 Q. And how did he treat you?

15 A. Believe me, please, it was not handled in a  
16 professional way. He said, oh, nobody has been in  
17 touch with you? Oh, well, somebody will be in  
18 touch. He said, none of the detectives called you?  
19 Nobody called you? No, no, no. He said, somebody

20 will be in touch with you in a couple of days.

21 Somebody, to that effect. Somebody will call you.

22 Q. So you explained to him what happened?

23 A. Oh, yeah.

24 Q. What you told us today?

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1 A. Oh, yeah. I was furious. I went off on him. I  
2 said, listen. How would you like it to be shot up  
3 and then when you turn to the police for help you got  
4 to wait almost an hour when they are no more than  
5 twenty-five, thirty feet away from you. Suppose I  
6 would have been shot.

7 Q. Are you still receiving treatment for the  
8 injuries you claim you sustained from that --

9 A. I still go over there, you know, because I have  
10 a temper and I get these anxiety attacks and I still  
11 talk to Doctor Daley. Yes.

12 Q. About this incident?

13 A. Yes. Yes, because what I see, it was -- please,  
14 please understand me. When you look at it -- when  
15 you look at it, I will send you copies of how it was  
16 and then maybe you will understand why the police  
17 officer was like, you are one lucky son of a bitch.  
18 Because those bullets were headed right directly for  
19 my chest. They would have blew this chest right  
20 out. Make no mistake about it. Sitting in the car  
21 and if it would have ricocheted it would have hit me  
22 right in the head. When you sit down and you think  
23 about this traumatic situation, you believe you want  
24 to talk to somebody about it and I think I am doing

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1 the right thing by going and talking to somebody and  
2 not out there in Reading protesting, down with the  
3 Reading Police like so many other people are doing  
4 marching against them. So I just go and I talk to  
5 somebody help me understand.

6 Q. And you filed the lawsuit?

7 A. Pardon me?

8 Q. And you filed the lawsuit?

9 A. Yes, and I went to Doctor Daley. I said, Doctor  
10 Daley, I said, my God, man. What is the world  
11 becoming. And so it's always good to talk to  
12 someone. Doctor Dedannia taught me that.

13 Q. Did Doctor Daley prescribe any additional  
14 medication?

15 A. No. Just the Xanax. He said that he didn't  
16 want to -- he wanted to give me other medication but  
17 he felt that with my weak lungs, I have a bad lung,  
18 with my bad lung and bad heart he said it could  
19 conflict. He wanted to give me stuff to deal with  
20 the way I was thinking because the way -- I was so  
21 bitter, so angry, I just wanted to go up and just,  
22 excuse the expression, every nigger I could catch and  
23 kidnap him. That is exactly what it was like.

24 Q. You were angry at the drug dealers?

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1 A. I don't know.

2 Q. Or whoever shot at you?

3 A. Yeah. I don't know these people from -- I don't  
4 even -- please understand. I was there to help  
5 somebody. I am not interested in selling drugs. I  
6 was not there for any illegitimate purpose and then  
7 for the police to treat me the way they treated me  
8 had me very, very angry, very angry and that is the  
9 God's honest truth.

10 Q. Have you been to Reading since the incident?

11 A. Oh, yeah. Have I been down that street? During  
12 the day.

13 Q. How many times have you been back?

14 A. Oh, God. What was that, a year ago. About  
15 thirty, forty times I have been up there.

16 Q. Have you been to the Sovereign Center or that  
17 area?

18 A. Well, there is a girl, I can't think of her  
19 name, that I would always give her a ride when I was  
20 there. But I usually go most of the time, like I  
21 said, to the outlets and over West Reading, Vanity  
22 Fair. Someone says, hey, a girl by the name of  
23 Michelle, I can't think of her last name and I would  
24 drop them off and give them a ride there. She is a

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1 bartender. I know a girl that is a bartender over  
2 there.

3 Q. And you mentioned you have a lot of respect for  
4 Tom Bollinger and you have family members who are



5 state troopers.  
6 **As a result of this incident, do you have**  
7 **any problem with police officers?**  
8 A. Do I have distrust? Yes. Do I hate them? No.  
9 I look at police officers now as, not all of them,  
10 advocate, what they speak and I deal with them on an  
11 individual basis rather than on a general basis.  
12 But, like I said, like Kyle Bollinger and I made that  
13 perfectly clear to you. I think he is one of the  
14 finest human beings that I have ever known.  
15 **Q. Do you know any other Reading police officers?**  
16 A. I met one but I don't know his name. He is a  
17 young guy, great, and this was about five months ago  
18 because some girl needed to go to Court up there.  
19 THE WITNESS: What is the name  
20 of that girl?  
21 MR. ANTHONY: Oh. Bell.  
22 THE WITNESS: Christina Bell.  
23 She had a problem with a boyfriend. Her  
24 boyfriend said she stole money from him.

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1 She asked me, I met her at a mall and she  
2 asked me if I knew a lawyer that could  
3 represent her and I got her Tom. And so  
4 when she went to Court I went down there  
5 and I will find out this officer's name.  
6 Nice guy.  
7 BY MS. FULTON:  
8 **Q. You have no problem with him?**  
9 A. No. No. Listen. I don't see -- I just don't  
10 see -- I am sorry. I just think that I am just -- I  
11 am just hurt, angry at the way I was treated.  
12 I went and I still go see Doctor Daley and  
13 I am always told by Doctor Dedannia, don't ever take  
14 matters in your own hands. Pick up the phone and  
15 talk to somebody. Talk to somebody and that is  
16 exactly what I did.  
17 **Q. And you're angry and hurt about the way you were**  
18 **treated? What you mean is, because they didn't ask**  
19 **you if you were shot, ask you if you needed medical**  
20 **attention --**  
21 A. They didn't take none of the evidence. I am a  
22 law-abiding citizen, I expect my police department  
23 wherever I am at to cooperate. They tell you that in  
24 every -- every television program then when you go to

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1 do that, nobody, nobody asked you two words, hey, can  
2 I get them bullets. I swear to God. Every time -- I  
3 had to take the bullets away because every time I  
4 seen the bullets my mind would just go blank and I am  
5 sure that if you were ever shot at and if you were a  
6 father or a mother that has -- and it's just a couple  
7 days before Mother's Day and somebody is trying to  
8 kill you for no reason, none, zero, zero reason, I am  
9 sure you would not be happy with the police  
10 department. You would not be happy with the people  
11 trying to kill you. How could you be. You are only  
12 human.  
13 **Q. You said in paragraph 19 of your Complaint, you**  
14 **made a point of saying that you are not a drug**  
15 **dealer. You are not a pimp.**  
16 **Why did you put that in the Complaint?**  
17 A. Because of the car. I didn't want to be  
18 stereotyped.  
19 When you look at the car, the way the car  
20 is designed, in California anybody would have that  
21 kind of car. In Reading, Pennsylvania, like I had --  
22 the guy that has a car like this, the officer said to  
23 me, were you here earlier. You ran a red light. I  
24 said, no, I am from Allentown. I just got here. He

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1 said, well, we were chasing a car similar to this  
2 earlier tonight. So I later upon my own  
3 investigation find out he is a drug dealer. I am  
4 none of that.  
5 **Q. The car that they saw earlier --**  
6 A. Yeah.  
7 **Q. -- belonged to a drug dealer and it looked like**  
8 **your car?**  
9 A. Identical.  
10 **Q. Identical.**  
11 A. Except for the wheels.  
12 **Q. In paragraph 31 of the Complaint you said, the**  
13 **actions of the defendants and their failure to**  
14 **protect visitors to the City of Reading have placed**  
15 **an unreasonable and burdensome restrictions on your**

16 freedom to travel in violation of the USA  
17 Constitution.

18 **How is there --**

19 A. In other words, I shouldn't have to live in fear  
20 with driving down the street at nighttime because of  
21 fear in being shot at. That is the restriction. I  
22 won't go down that street at dark time. If you  
23 worked at the Sovereign Center, oh, can you pick me  
24 up at eleven o'clock, I don't think so. I am not

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1 going down that street. When I went down there  
2 during the day, I mean, I had an anxiety attacks.  
3 Feels like all the walls are going -- and that is  
4 what I meant by restriction, on the right of freedom  
5 to travel. I can't travel freely down that street,  
6 can't. Not at nighttime. During the day.  
7 **Q. Because of the failure to protect?**  
8 A. Right. Exactly.  
9 **Q. In paragraph 37 you said that the defendants**  
10 **have a policy of racial inequality that is**  
11 **indifferent to your civil rights and liberties.**  
12 A. As I said to you earlier, I believe that if I  
13 was a white person, if I was a doctor, lawyer or a  
14 real estate agent or accountant, I don't think I  
15 would have been treated the same way. I don't think  
16 I would have been told I am one lucky son of a bitch  
17 and that my car has been used as target practice. I  
18 believe that there would have been a full police  
19 investigation. I believe that the police department  
20 would have collected the evidence and I think they  
21 would have asked me if I needed help and I think they  
22 would have treated me with the utmost of dignity.  
23 They didn't do that.  
24 **Q. What evidence that the defendants have a policy**

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1 **of racial inequality do you have?**  
2 A. Well, as I said, that I don't believe that -- if  
3 you like -- I mean, I can go ahead and go to the  
4 Reading Eagle and get a list of how many white  
5 persons were shot at and ask them and if they were  
6 treated the same way. I believe this, what I wrote.  
7 I believe that I was treated indifferently because  
8 when I talk to different police departments they ask  
9 me, was this done, was that done. I says no. Did  
10 they collect the evidence. Did they impound the  
11 car. Did they make sure you were okay. None of the  
12 things that a police officer should have done is done  
13 here. I don't care how. If I have to, I will go to  
14 different police departments and get what their  
15 regulations are with respect to a shooting and with  
16 respect to a victim in a shooting, but if we go to  
17 trial I will be prepared with that information.  
18 **Q. You also said that race or gender was a deciding**  
19 **factor in how you were treated?**  
20 A. I believe that. That is what I believe.  
21 **Q. Was race or gender or both? Do you think you**  
22 **would have been treated differently if you were a**  
23 **woman?**  
24 A. If I was a white woman I would have been treated

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1 differently. If I was a white man I would have been  
2 treated differently. Yes. I believe exactly what I  
3 wrote here.  
4 **Q. Before we were first getting started, you**  
5 **mentioned you had your deposition taken in the last**  
6 **five months.**  
7 A. Yes.  
8 **Q. And you said that is a lawsuit you have against**  
9 **the Allentown Zoning Board?**  
10 A. Yes.  
11 **Q. Is that lawsuit pending in State Court or in**  
12 **Federal Court?**  
13 A. Federal Court.  
14 **Q. In the Eastern District?**  
15 A. Yes.  
16 **Q. Which Judge?**  
17 A. Judge Lacom Davis and Tom Anthony represents me  
18 in that lawsuit and John Keller; Attorney John  
19 Keller.  
20 **Q. And do you know who represents Allentown?**  
21 A. James Hubert.  
22 **Q. Have you been involved with any other civil**  
23 **lawsuits?**  
24 A. I am trying to think. Just a -- what was it?



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1 Against the City of York. County of York. What was  
2 that? Injunctive relief, right.  
3 Q. When was that?  
4 A. Oh, God. That was almost two years ago.  
5 Q. Versus York County?  
6 A. Uh-huh.  
7 MR. ANTHONY: City, not the  
8 county.  
9 THE WITNESS: Was it the city?  
10 MR. ANTHONY: I think it was.  
11 BY MS. FULTON:  
12 Q. Was that in Federal Court?  
13 A. Yeah. Up in the Middle District.  
14 See, what happened there was, the Court  
15 said, and I am undecided whether I want to sue them.  
16 They said I did not have any standing for injunctive  
17 relief, however, they left open the fact that I could  
18 bring a suit for violating my rights.  
19 Q. How did they violate your rights?  
20 A. Well, it was on a PFA. I wrote a letter about  
21 my daughter Conciata and the police took the letter  
22 and said that I was in violation of the PFA order.  
23 Well --  
24 Q. Protection From Abuse?

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1 A. Right. When that was issued it's checked that I  
2 could talk with her concerning the custody. Well,  
3 they took that and said, well, we are going to charge  
4 you with indirect criminal contempt. Was there  
5 anything threatening in the letter? Absolutely not.  
6 What is their name? Randell handed the opinion down  
7 and -- what she basically said is, you don't have  
8 injunctive -- you don't have a standing for  
9 injunctive relief but a lawsuit is a different story  
10 because it's a serious First Amendment violation.  
11 And the fact was, that I wrote the letter  
12 to the mother inquiring -- telling her about my  
13 daughter and wanted to see her and resolve the  
14 custody dispute. And I think that we do have in the  
15 transcript from Judge Ford who encouraged me to  
16 contact the mother to resolve the custody issue.  
17 Q. The mother has a Protection From Abuse order?  
18 A. Not no more she did, but when I did this York  
19 County -- York, the city, the City of York, I guess  
20 the mother took the letter and said, well, he had  
21 contact with me. Well, I had contact but not in a  
22 negative way. Hi, how is my daughter. When can I  
23 see her. When can we resolve the custody issue and  
24 that is what that was about.

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1 Q. Okay.  
2 Other than the lawsuit versus Allentown  
3 and the lawsuit versus York, any other lawsuits?  
4 A. I had one against the Morning Call Newspaper.  
5 Q. How long ago was that?  
6 A. That was about five, six years ago and that was  
7 settled out of court.  
8 Q. What Court was that in, State or Federal?  
9 A. Federal.  
10 Q. In the Eastern District?  
11 A. Yes.  
12 A. What Judge was that? He is from -- gees, I  
13 can't think. He is retired now. McTroutman. Did  
14 you know Judge McTroutman?  
15 Q. No.  
16 A. Beautiful Judge. Beautiful. Beautiful man. He  
17 is retired now but he ruled against -- it was the  
18 first case in history in the United States where the  
19 major newspaper company was ruled against. It was  
20 the First Amendment issue too. They wouldn't -- they  
21 had all sorts of white advertisers for the adult  
22 business in the newspaper but when he came to me they  
23 said I couldn't and they didn't justify why I  
24 couldn't. So the District Court said they were

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1 wrong.  
2 Q. And you were advertising for what?  
3 A. The exotic dance club.  
4 Q. Any other lawsuits?  
5 A. No, not that I know of. Not that I can think  
6 of.  
7 MR. ANTHONY: Custody actions.  
8 BY MS. FULTON:  
9 Q. Where was your deposition taken in this

10 Allentown --  
11 A. Jim Hubert's office.  
12 Q. Where is that?  
13 A. That is Hamilton Street in Allentown.  
14 Q. Allentown?  
15 A. Jim is a nice guy too. I have respect for Jim.  
16 Q. Did you have any depositions in the case against  
17 York?  
18 A. No.  
19 Q. What about in the case versus The Morning Call?  
20 A. No.  
21 Q. Have you ever sued Lehigh County?  
22 A. Oh, when I was a prisoner. Yeah.  
23 Q. Any other lawsuits when you were a prisoner?  
24 A. I won that case too.

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1 Q. What was the basis of your lawsuit when you were  
2 --  
3 A. Lehigh County?  
4 Q. Yeah.  
5 A. What happened was, I was on a pretrial detainer,  
6 I was representing myself so what they did is, they  
7 sent me in one direction, sent my legal material in  
8 another direction and the Third Circuit Court of  
9 Appeal said this is a no-no. Can't do that.  
10 Q. How long ago was that?  
11 A. What was that? Back in '87, '88. Other than  
12 that, I can't think of anybody else that I sued.  
13 Q. Have you been sued by anybody?  
14 A. No. You want to sue me? You make me laugh. I  
15 get a kick out of you. Have I been sued by anybody?  
16 No. Most people say they just don't want to -- I can  
17 write a lot. This is really, this is really nothing.  
18 Q. The Complaint?  
19 A. Oh, it's nothing. Usually I write and write and  
20 I can't stop writing. It's like a habit.  
21 Q. I think I have a few more questions for you.  
22 We served interrogatories and document  
23 requests on you in the beginning of October before  
24 your lawyer got involved.

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1 A. I never got them.  
2 MR. ANTHONY: I will make sure  
3 he fills out that stuff and gets you the  
4 information.  
5 THE WITNESS: I never got it.  
6 Did you get it?  
7 MR. ANTHONY: Can you make a  
8 copy while I am here?  
9 MR. FULTON: I will make a  
10 copy.  
11 THE WITNESS: If I had it, he  
12 would have had it.  
13 MR. ANTHONY: I will make sure  
14 he responds to that promptly.  
15 THE WITNESS: Try to ask for  
16 demur, ha. You make me laugh. I like  
17 you. How did you get in this firm? This  
18 is a big firm.  
19 MR. ANTHONY: Off the record I  
20 guess.  
21 (Whereupon, a discussion was held  
22 off the record.)  
23 (Proceedings were reconvened with  
24 all counsel and the witness being

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1 present.)  
2 BY MS. FULTON:  
3 Q. Have you ever received any treatment for drug or  
4 alcohol dependency?  
5 A. No. No. You didn't hear a word I said before.  
6 I understand.  
7 Q. Other than your treatment with Doctor Daley and  
8 Doctor Dedannia, Doctor Shingles and Doctor Geronimo,  
9 have you received any other counseling or therapy or  
10 psychiatric treatment?  
11 A. No. Not that I can think of.  
12 Q. Have you filed any complaints either against or  
13 with any other police departments?  
14 A. I think so. Maybe in that suit against  
15 Allentown. Maybe that. Maybe.  
16 Q. The zoning suit?  
17 A. Yeah, the zoning suit.  
18 If I can, let me try to clarify so you are  
19 not in the dark. If I did, I think the Allentown

20 police -- I don't think I did, but if I did it was  
21 because the zoning -- largely what the Complaint was  
22 from the zoning office was that because if there was  
23 loud people coming out of a bar they used -- they  
24 used -- no, I didn't sue the Allentown Police

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1 Department which I should have. They used the police  
2 department to regulate zoning hours.

3 THE WITNESS: What did I say?  
4 The name of the complaint was a police  
5 problem and not a zoning problem. Okay?

6 And this whole matter with the suit  
7 against Allentown. Jimmy Hubert knows it  
8 and I will call Jim in maybe a week or  
9 two, tell them they can go away. Even  
10 like Judge Davis said, he would rather it  
11 be worked out out-of-court. He told Jim  
12 Hubert because I don't think this thing  
13 is going to go away because let me just  
14 tell you what happened up there in this  
15 situation.

16 Here is Eric Featherman, he is  
17 another man who owns a strip club. He  
18 gets busted for selling drugs. I don't  
19 sell drugs. They don't try to close him  
20 down.

21 BY MS. FULTON:

22 Q. But you don't own this strip club?

23 A. I own the building. I own the building, do you  
24 understand? But in the event, I may want my sons to

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1 take it over. I want them -- I don't know why, a  
2 person who sells alcohol all the time has a right to  
3 stay open later than a person that doesn't sell  
4 alcohol.

5 Q. You mentioned before that Margarita is a woman  
6 who is not a dancer but she is a waitress and tends  
7 the bar?

8 A. Right.

9 Q. Is there a bar?

10 A. Yes.

11 Q. At the club?

12 A. Yes, there is.

13 Q. But it doesn't serve alcohol?

14 A. Doesn't serve alcohol. You can get soda, water,  
15 beer, or tea. Potato chips, hot dogs and hamburgers  
16 but you can't get no alcohol.

17 Q. And the beer is non-alcoholic?

18 MR. ANTHONY: Right?

19 THE WITNESS: Sometimes we sell  
20 the near beer, two percent.

21 BY MS. FULTON:

22 Q. Were there any witnesses to your interaction  
23 with the Reading Police Department?

24 A. There are people there but I don't, I don't -- I

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1 have been looking for the two girls that I saw that  
2 night that stood there but I don't know where they  
3 are at. Plus it was late.

4 Q. Was anybody waiting with you while you were  
5 waiting to talk to the police officers?

6 A. Just them two girls. I don't know them and they  
7 just said to me, oh, they are hating on you, on your  
8 car. They are hating on your car. I said I guess  
9 that is street terms that they are jealous. I  
10 guess. Yeah, I am going to call and see -- cause  
11 Judge Davis said that we should try to work it out  
12 and he is right because Jim, you know, all I want is  
13 that they give the bar the right to be open Friday  
14 and Saturday until two a.m. Give me that. We will  
15 have a compromise. If not, we will be forever in  
16 that Federal Court because I don't think it's right  
17 that an actual bar can stay open and they serve  
18 alcohol continuously, continuously and I don't serve  
19 alcohol. And then we have under twenty-one clubs in  
20 Allentown and the under twenty-one clubs can stay  
21 open to one a.m. in the morning and those kids are  
22 sixteen, seventeen. And if they have the Rave Club,  
23 they can stay open until four o'clock in the morning,  
24 so why can't I. I am the only club in the state of

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1 Pennsylvania that must close at twelve o'clock. The  
2 only club and I think that is unreasonable.

3 Q. I understand what you want to get out of that  
4 lawsuit against Allentown.

5 What do you want to get out of this  
6 lawsuit against Reading?

7 A. You are very good, you know that? You are very  
8 good. That is smooth. Very polished. They picked  
9 you well, I mean that. I am not trying to be  
10 facetious at all. I don't know. Let me think about  
11 it. Maybe, maybe we can come to a happy ending.

12 What is that at Friendly's they give you,  
13 the happy ending, the sunday. The happy ending  
14 sunday they give you after you eat the meal. You  
15 know what I mean?

16 Q. I know what you mean.

17 As you sit here right now --

18 A. To be honest with you, honest to God, I swear to  
19 you and I respect you, I really do, I never gave it  
20 an ounce of thought. I never did, but I will. And,  
21 hopefully, if we can reach some agreeable term I will  
22 go my way, they go their way and that will be the end  
23 of that. Okay? I am not out to drink blood or  
24 embarrass anybody. I am not out to do that. If I

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1 wanted to do that I would have took the Reading Eagle  
2 up on their offer, honest to God. You treat me like  
3 a clown, when you are standing next to my car, next  
4 to the picture, close call. I forgot the headlines  
5 he wanted to call it. You got an ax to grind with  
6 the City of Reading, don't use me because one day I  
7 may want to open a business down there and I will  
8 need their help and maybe because of the laxity of a  
9 couple police officers that doesn't necessarily  
10 reflect the whole police department. Okay?

11 Q. And you think that is the case here?

12 A. Right.

13 Q. That a couple cops --

14 A. No. Please believe me. You know, like I told  
15 you, Kyle Bollinger, I can't tell you enough and it's  
16 one young police officer that I met.

17 THE WITNESS: You remember, I  
18 was talking to this police officer. He  
19 was like my friend. Like we knew each  
20 other for five, seven, ten years. He was  
21 telling me, he said, do you know that  
22 girl. I said, no, not really. He says,  
23 oh, she is a fast number. You ought to  
24 be careful. He says, I had her

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1 arrested. I arrested her, what, he said,  
2 five, six, seven years ago. Oh, yeah.  
3 He was very helpful to me. Class, class  
4 guy.

5 BY MS. FULTON:

6 Q. So your Complaint is really against the two  
7 officers you dealt with that night?

8 A. And the dispatch lady who could have sent  
9 somebody out right away. We are talking about a  
10 shooting versus a burglary.

11 Q. What makes you think the dispatcher treated you  
12 differently than she would have treated somebody  
13 else?

14 A. She didn't know what color I was, so I am just  
15 telling you that on shootings they just had -- and  
16 that's what the Reading Eagle was after, believe me.  
17 They wanted to embarrass your police department, your  
18 clients to show -- they want me to say, well, how  
19 long did you sit there. Were you shot. Did she know  
20 you were shot. Okay? But there you were -- they  
21 allowed you to just sit and wait while they were  
22 doing whatever they were doing. You know how  
23 newspaper people are. You know that. Yeah.

24 Q. But the dispatcher didn't know what color you

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1 are or what kind of car you were driving?

2 A. I didn't say she was a racist. I did not say  
3 that but I think that she kept saying to me, well,  
4 someone will be there. Someone will be there. Well,  
5 I have to call them.

6 Q. Did she ask you if you were hurt?

7 A. No. I will subpoena and you can hear it. There  
8 was nothing there.

9 Q. Is there anything about the incident that you'd  
10 like me to know that I haven't asked you?

11 A. Other than the fact that you are a very nice  
12 attorney and you are very sharp and very polished. I  
13 always wanted to be a lawyer and so when I see one  
14 that is good I am the first to compliment you. The  
15 very first.

16 Did you know I became friends with Melvin  
17 Belli, B-E-L-L-I, Percy Formen, P-E-R-C-Y,  
18 F-O-R-M-E-N, also Lou Katz. I have gotten to know  
19 some of the biggest gun attorneys in this country  
20 because I write and I would write to them and Roman  
21 Castro from San Diego. Even -- what is his name?  
22 Manny DiMetro from Reading, I consider him one of the  
23 best trial attorneys in the United States. I can  
24 tell you honestly, when it comes from me and I tell

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1 you I respect you and I like you and I think you  
2 carry yourself well, that is only because I have been  
3 around a lot of lawyers because my trials have been  
4 around the United States. I met a lot and I hope the  
5 best for you.

6 Q. Thank you.

7 A. I mean that. Whatever happens here, happens  
8 here. I want the best for you. You are a class act.

9 Q. Thank you.

10 A. I like the way you handle a guy like me.  
11 Are we done here?

12 Q. We are done.

13 (At 2:40 p.m., proceedings were  
14 concluded.)  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

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# CERTIFICATION

1  
2  
3  
4 I HEREBY CERTIFY that the proceedings and  
5 evidence are contained fully and accurately in the  
6 stenographic notes taken by me upon the foregoing  
7 matter on Wednesday, December 3, 2003, and that this  
8 is a correct transcript of same.  
9  
10  
11  
12  
13  
14  
15

Celeste Perla, RPR, CSR, Merit  
Reporter and Notary Public

16  
17  
18  
19 (The foregoing certification  
20 of this transcript does not  
21 apply to any reproduction of  
22 the same by any means,  
23 unless under the direct  
24 control and/or supervision  
of the certifying reporter.)



## **EXHIBIT E**

**Criminal Mischief / Shots Fired**

**REVIEWING POLICE DEPARTMENT**  
**CRIME INVESTIGATION REPORT**

7201 CRIMINAL MIS.

ASSIGNMENT NUMBER: 2002-35641  
DISTRICT: 106 CENSUS TRACT: 26  
DATE & TIME OFFENSE REPORTED: MONTH 06 DAY 14 YEAR 2002 TIME 0131  
DATE & TIME OFFENSE OCCURRED: MONTH 06 DAY 14 YEAR 2002 TIME 0131  
PRIMARY OFFENSE TITLE: CRIMINAL MIS.  
DAY(S) OF THE WEEK: APPROX  
PHYSICAL EVIDENCE: ☐ YES ☒ NO

LOCATION OF OFFENSE: 900 BLK. FRANKLIN ST. CITY STREET  
TYPE PREMISES: CITY STREET  
WHERE REPORTED: 500 BLK. PENN ST.  
POINT OF ENTRY OR MEANS OF ATTACK: SEE NARRATIVE  
BUSINESS NAME: N/A (13)  
TYPE OF WEAPON/INSTRUMENT USED: FIREARM  
EVIDENCE TECH'S NAME:   
S-1 REPORT SUBMITTED? ☐ YES ☒ NO

INDICATE WITH THE PROPER CODES PROVIDED A PERSON'S RELATIONSHIP TO THE INVESTIGATION:

1-COMPLAINANT	2-WITNESS	3-NAME OF INTEREST	8-VICTIM	9-INDIRECT VICTIM
NAME	ADDRESS	RACE	SEX	D.O.B.
A JASON ROMAN	2327 HANOVER AVE ALLENTOWN PA	B	M	1-30-44
B				
C				
D				
E				
F				
G				
H				

VICTIM INJURED? ☐ YES ☒ NO  
HOSPITAL:   
ATTENDING PHYSICIAN:   
NATURE OF INJURIES:   
VICTIM ADMITTED? ☐ YES ☐ NO

DEFENDANT/SUSPECT #1 (INCLUDE AKA): UNKNOWN  
ADDRESS:   
S.S. NO.:   
O.L.N.:   
ADDITIONAL DESCRIPTION:   
ARREST? ☐ YES ☐ NO ☐ PENDING

DEFENDANT/SUSPECT #2 (INCLUDE AKA):   
ADDRESS:   
S.S. NO.:   
O.L.N.:   
ADDITIONAL DESCRIPTION:   
ARREST? ☐ YES ☐ NO ☐ PENDING

DEFENDANT/SUSPECT #3 (INCLUDE AKA):   
ADDRESS:   
S.S. NO.:   
O.L.N.:   
ADDITIONAL DESCRIPTION:   
ARREST? ☐ YES ☐ NO ☐ PENDING

VEHICLE STATUS: ☐ RECOVERED ☐ STOLEN ☐ SUSPECT ☒ TARGET  
COLOR (TOP/BOTTOM): BLACK  
YEAR: 2000 MAKE: LEXUS  
MODEL: GS400 BODY STYLE: 4DR  
LICENSE PLATE INFORMATION: STATE PA YEAR 02  
LICENSE NUMBER: ELM-3055 VEHICLE ID NUMBER: JTFPHL6PX1Y0033206  
VEHICLE TITLE NUMBER:   
IDENTIFYING CHARACTERISTICS:   
REGISTERED OWNER: SAME AS VICTIM  
OWNER'S ADDRESS:   
RACE:   
SEX:   
D.O.B.:   
TELEPHONE NUMBER:   
REPORTING OFFICER: [Signature]  
COMPUTER NO.: 009 REVIEWING SUPERVISOR: [Signature]  
COMPUTER NO.: 509  
FOLLOW UP BY: ☐ PATROL ☐ Y.A.D. ☐ C.I.D. ☐ VICE ☒ NONE

CLEAN ENTRY  
DATE & TIME:   
BY WHOM:   
MESSAGE NO.:   
RADIO G.B.   
DATE & TIME:   
BY WHOM:   
Below For Records Use Only

RPD A-2 9/96  
CLASSIFICATION CHANGED? ☐ NO ☐ YES, TO:   
PROPERTY BY:   
SPECIAL DISTRIBUTION BY:   
DAILY BULLETIN BY:   
DISTRIBUTION: WHITE - Records Office, YELLOW - C.I.D., PINK - Crime Analysis

# READING POLICE DEPARTMENT SUPPLEMENTARY OFFENSE REPORT

ASSIGNMENT NUMBER: 2002-35601	PRIMARY OFFENSE TITLE: CRIMINAL MISCHIEF	DATE OF ORIGINAL REPORT: 06-14-02	DATE & TIME OF THIS REPORT: 6-14-02 0216
----------------------------------	---------------------------------------------	--------------------------------------	---------------------------------------------

TYPE OF REPORT	<input checked="" type="checkbox"/> CONTINUATION OF ORIGINAL REPORT	<input type="checkbox"/> SUPPRESSION HEARING	<input type="checkbox"/> JUVENILE COURT
	<input type="checkbox"/> ADDITIONAL INFORMATION	<input type="checkbox"/> HABEAS CORPUS HEARING	<input type="checkbox"/> SENTENCE COURT
	<input type="checkbox"/> FOLLOW-UP INFORMATION	<input type="checkbox"/> CRIMINAL COURT	<input type="checkbox"/> OTHER (EXPLAIN)

Narrative:

OFF. M.F. EDDINGER #009 READING POLICE DEPT PG#2

FRIDAY, 06-14-02, 0216 HRS, THE VICTIM/COMPLAINANT JASON ROMAN DOB: 01-30-44 REPORTED THAT ON THIS DATE, AT APPROX 0130 HRS, HE WAS TRAVELLING EASTBOUND IN THE 900 BUK FRANKLIN STREET, AT THAT TIME, HE HEARD APPROX 20 LOUD POPPING SOUNDS WHICH HE THOUGHT MIGHT BE FIREWORKS. SHORTLY AFTER THE INCIDENT, ROMAN FOUND THAT 2 BULLETS STRUCK HIS WINDSHIELD AND 1 BULLET STRUCK THE LEFT REAR DOOR.

ROMAN'S VEHICLE IS A BLACK 2000 LEXUS GS400 4DR, W/ PA REG. ELM-3055.

OFF. GABRIELI HAD REPORTED HEARING GUNSHOTS IN THE AREA AT APPROX 0130 HRS.

ESTIMATED DAMAGE IS APPROX. \$1000<sup>00</sup>

CLASSIFICATION CHANGED? <input type="checkbox"/> NO <input type="checkbox"/> YES, TO:		PRIMARY TITLE:	REPORTING OFFICER:	COMPUTER NO:	SPECIAL DISTRIBUTION REQUESTED: <input type="checkbox"/> YES <input type="checkbox"/> NO
Below For Records Use Only					
RPD A-3 10/94	PROCESSED BY:	QUALITY CONTROL BY:	CLASSIFICATION CHANGED? <input type="checkbox"/> NO <input type="checkbox"/> YES, TO:	U.C.R. CODE:	
	COURT PACKAGE (E-1) BY:	RAP SHEET (C-7) BY:	SPECIAL DISTRIBUTION BY:	CRIMINAL HISTORY BY:	

Distribution: WHITE - Records Office YELLOW - C.D. DIV. ONLY



## **EXHIBIT F**

**THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JASON ROMAN,

Plaintiff,

v.

CITY OF READING, and  
READING POLICE DEPARTMENT,

Defendants.

CIVIL ACTION

NO. 02-CV-4763

JURY TRIAL DEMANDED

**AFFIDAVIT OF MALCOLM F. EDDINGER**

I, Malcolm F. Eddinger, being duly sworn according to law, affirm that:

1. I am a Police Officer with the Police Department of the City of Reading, which is a defendant in this action.

2. On June 14, 2002, at approximately 1:30 a.m., I, along with several other Reading police officers, was actively investigating a burglary at Richie's Bazaar, a pawn shop and clothing store located at 518 Penn Street, Reading, Pennsylvania.

3. At that time, a man later identified as Jason Roman approached me and reported that gunshots had been fired at his automobile in the vicinity of 9<sup>th</sup> and Franklin Streets in Reading, Pennsylvania.

4. Mr. Roman did not state that he had been shot, and he did not appear to require medical attention.

5. Given the fact that the other Reading police officers and I were actively engaged in a burglary investigation, I instructed Mr. Roman to wait in his car and I advised him that an officer would be with him shortly.

6. After we completed the burglary investigation, I immediately went to Mr. Roman and took his statement regarding the shots fired. A copy of the incident report I completed is attached to the Memorandum of Law in support of Defendants' Motion for Summary Judgment as Exhibit E.

7. Mr. Roman stated that he did not see who fired the shots at his automobile.

8. Mr. Roman did not identify any witnesses to the shooting incident.

9. At the time I took the report from Mr. Roman, I did not see any physical evidence that could be removed from the vehicle.

10. Even if I had known that there were bullets lodged in the automobile, as Mr. Roman alleges, which I did not, the bullets would have been useless without a gun with which to compare them.

11. Given the fact that Mr. Roman did not see who fired the shots that hit his automobile, and the fact that there was no gun with which to compare the bullets, there was no useful information or evidence for further investigation.

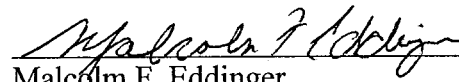
12. Pursuant to Reading Police Department policy, I submitted the attached report to the Criminal Investigation Division, which is responsible for evaluating incident reports for follow-up, if appropriate.

13. At no time did I treat Mr. Roman any differently than I would have treated another victim under the same circumstances, regardless of age, race, ethnicity, citizenry, or gender.


14. At no time did Mr. Roman's age, race, ethnicity, citizenry, or gender factor into my response to or evaluation of his report of the shooting incident.

15. At no time relevant hereto did I act with the purpose or intent to deter Mr. Roman from traveling to, within, or throughout the City of Reading or to otherwise limit his right to intrastate travel.

16. The foregoing is true and correct to the best of my knowledge, information, and belief.

  
Malcolm F. Eddinger

Sworn to and Subscribed Before  
Me this 19<sup>th</sup> Day of February, 2004.

  
Notary Public

My commission expires on:

